

Sauble Township Zoning Ordinance of 2022

[Annotated]

Date Printed December 5, 2022

This copy effective from December 2, 2022 at 12:01am to _____, 20__



SAUBLE TOWNSHIP
8906 W 6 MILE RD
IRONS, MI 49644
231-266-8384

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THE TOWNSHIP OF SAUBLE TOWNSHIP ORDAINS:

ARTICLE 1: TITLE, PURPOSES AND LEGAL CLAUSES

101. Title

Sauble Township Zoning Ordinance **shall** be known as the "Sauble Township Zoning Ordinance", hereinafter called the "Ordinance".

102. Purposes

This Ordinance is based upon the *Sauble Township Master Plan* of January 2022 and designed:

- A. To promote and protect the public health, safety and general welfare;
- B. To protect the character and stability of the agricultural, forestry, recreational, residential, and commercial areas; and open space, lakes, and streams within the unincorporated portions of **Township** and promote the orderly and beneficial development of the **Township**;
- C. To regulate the intensity of **use** of land and **parcel areas** in a manner compatible with the **Township** Land Use Plan and to determine the area of open spaces surrounding **buildings** and **structures** necessary to provide adequate light and air and to protect the public health;
- D. To lessen and avoid congestion on the public highways and streets;
- E. To provide for the needs of **agriculture**, forestry, recreation, residence, and commerce in future growth;
- F. To promote healthful surroundings for **family** life in residential and rural areas;
- G. To set reasonable standards to which **buildings** and **structures shall** conform;
- H. To prohibit **uses, buildings** or **structures** which are incompatible with the character or development or the **uses, building** or **structures** permitted within specified zoning districts;
- I. To prevent such additions to or alteration or remodeling of existing **structures** which avoid the regulations and limitations imposed hereunder;
- J. To protect against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards;
- K. To prevent the overcrowding of land and undue concentration of **buildings** and **structures** so far as is possible and appropriate in each zoning district;
- L. To conserve the value of land, **buildings**, and **structures** throughout the **Township**;
- M. To provide for the completion, restoration, reconstruction, and extension of **nonconforming uses**;
- N. To create an **Appeals Board** and to define the powers and duties thereof;
- O. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
- P. To provide for the payment of fees for zoning permits;
- Q. To provide penalties for the violation of the Ordinance; and
- R. To accomplish any other purposes contained P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*)

103. Legal Basis

This Ordinance is enacted pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the "**Zoning Act.**"

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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104. Effective Date

This Ordinance was adopted by the Township Board of the Township of Sauble, Lake County, Michigan, at a meeting held on November 14, 2022 and a notice of publication ordered published in the *Lake County Star*, a newspaper having general circulation in said Township, as required by the **Zoning Act**.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am. Notice of adoption was published in the *Lake County Star* November 24, 2022.]

105. Scope

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules, **ownership** association rules; ordinances, laws, regulations of any federal, state or county agency. When this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance **shall** control. The **Administrator shall** not be engaged in the enforcement of deed restrictions or private restrictions placed upon property by covenants.

106. Codification

This Ordinance is codified by use of **Articles** and **Sections**, and organized in the following manner. **Section** numbers and **Article** numbers not used in this Ordinance, or skipped, are reserved for future use.

- A. Article 1-9 for introductory material for this Ordinance.
 - 1. Article 1 for basic legal clauses such as but not limited to title, citation, purposes, legal basis, effective date, explanation of scope and codification.
 - 2. Article 5 for definitions of words and uses which are used in this Ordinance.
- B. Article 10-19 for general regulations applicable to all of the land under jurisdiction of this Ordinance.
 - 1. Article 10 for general regulations which are applicable in all zoning districts. This Article is further subset as follows:
 - a. Sections 1000-1009 for general provisions.
 - b. Sections 1010-1019 for water related environmental regulations.
 - c. Sections 1020-1029 for solid waste related environmental regulations.
 - d. Sections 1030-1039 for land and other environmental regulations.
 - e. Sections 1040-1049 for **parcel** and **setback** regulations.
 - f. Sections 1050-1059 for vehicle access, road and parking regulations.
 - g. Sections 1060-1069 for aesthetic (sign, viewshed, sex oriented businesses) regulations.
 - h. Sections 1070-1079 for **structure** (not **Dwelling**) regulations.
 - i. Sections 1080-1089 for **Dwelling** and residential regulations.
 - j. Sections 1090-1099 for other special purpose general regulations which are not classified above.
 - 2. Article 12 for new and future development standards.
 - 3. Article 16 for standards for specific possible conditional and special uses.
 - 4. Article 18 for establishment of the zoning map and definition of zoning districts.
- C. Articles 20-79 for each zoning district, further organized as follows with Articles 20-69 organized from least intense to most intense:
 - 1. Articles 20-29 for environmental, historic and other special zoning districts with each zoning district organized from least intense to most intense.
 - 2. Articles 30-39 for agricultural, forestry, rural and rural residential zoning districts with each zoning district organized from least intense to most intense.
 - 3. Articles 40-49 for residential zoning districts with each zoning district organized from least intense to most intense.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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4. Articles 50-59 for commercial zoning districts with each zoning district organized from least intense to most intense.
 5. Articles 60-69 for industrial zoning districts with each zoning district organized from least intense to most intense.
 6. Articles 70-79 for overlay districts.
 - D. Articles 80-89 for permit process and procedures.
 1. Article 80 for nonconformities.
 2. Article 82 for administration of the Ordinance.
 3. Article 84 for permit procedures.
 4. Article 85 for conditional uses procedures.
 5. Article 86 for special uses procedures.
 6. Article 88 for planned unit development procedures.
 - E. Articles 90-99 for Ordinance administration.
 1. Article 94 for site plan review process.
 2. Article 96 for **Appeals Board**.
 3. Article 98 for Ordinance amendment, validity, enforcement and penalties.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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ARTICLE 5: DEFINITIONS

501. Purpose

For the purpose of this Ordinance certain terms are defined. When not inconsistent with the context, the present tense includes the future, words used in the singular number include the plural number.

502. Undefined Words

Any word not defined herein, or not referred to in the *North American Industry Classification System Manual*, shall be interpreted within its common and approved usage. Masculine pronouns, such as but not limited to he, him, his, shall include both male, female, and other genders.

503. Definitions of words:

ACCESSORY BUILDINGS means supplementary **building** or **structure** on the same **parcel** as the main **building**, or part of the main **building**, **occupied** by or devoted exclusively to an **accessory use**. Such **use** shall not include any **building** used for **Dwelling**, residential or lodging purposes, or sleeping quarters for human beings.

ACCESSORY GROUND-MOUNTED SOLAR ENERGY SYSTEM means a **Ground-Mounted Solar Energy System** with the purpose primarily of generating electricity for the principal **use** on the site.

ACCESSORY STRUCTURES means **building** or **structure** which shall be construed to include, but not limited to, the following: playground equipment, sport courts, children's playhouses, domestic animal shelters, fallout shelters, swimming pools, gazebos, barbecue stoves, parking lots, loading docks and radio and television antennas, but shall not include **fences**, hunting blinds, signs.

ACCESSORY USE means a **use** naturally and normally incidental to, subordinate to, and devoted exclusively to the main **use** of the land or **buildings**.

ADMINISTRATOR means the Sauble Township Zoning Administrator as created in **Section 8201 et. seq.** (entire **Article**).

ADULT BOOK AND/OR VIDEO STORE means an establishment having, as a **substantial or significant portion** of its stock in trade or business, books, videotapes, CDs, computer software, computer services, magazines and other periodicals or other writings as defined in M.C.L. 15.232(e), MSA 4.1801(2)(e) which are distinguished or characterized by their emphasis on matter depicting , describing or relating to "**specified sexual activities**" or "**specified anatomical areas**," hereinafter defined.

ADULT LIVE ENTERTAINMENT ESTABLISHMENTS REGARDLESS OF WHETHER ALCOHOLIC BEVERAGES MAY OR MAY NOT BE SERVED means establishments which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) **persons** who appear nude or in a "state of nudity" or "semi-nude"; and/or (b) live performances which are characterized by the exposure of "**specified anatomical areas**" or by "**specified sexual activities**".

ADULT MOTION PICTURE THEATER means an enclosure with a capacity of 50 or more **persons** used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "**specified sexual activities**" or "**specified anatomical areas**," as hereinafter defined for observation by patrons therein.

ADULT MINI MOTION PICTURE THEATER means an enclosure with a capacity for less than 50 **persons** used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "**specified sexual activities**" or "**specified anatomical areas**," as hereinafter defined for observation by patrons therein.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
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ADULT PANORAMS means an establishment which has a **substantial or significant portion** of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "**specified sexual activities**" or "**specified anatomical areas**".

ADULT PARAPHERNALIA/NOVELTY STORE means an establishment having, as a **substantial or significant portion** of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.

AGRICULTURE means a **land use** which includes all of the following: (1) a **farm operation**, (2) producing a **farm product**, and (3) as **commercial** activity. The **land use** also includes **accessory uses** for housing and **Dwellings** for the farmer and farm employees.

AGRICULTURE-LIKE means one of the following:

- A. A **land use** which may be the principle **use** or **accessory use** on a **parcel** which includes some, but not all, of the following: (1) a **farm operation**, (2) producing a **farm product**, or (3) **commercial** activity, or
- B. Any **agriculture** or **agriculture-like** **land use** where the Right to Farm Act (M.C.L. 286.471 *et seq.*) or **GAAMPS** delegates regulatory control back to local government, such as but not limited to **agriculture** considered to be in a Category 4 Site, as used in the Site Selection and Odor Control for New and Expanding **livestock** Facilities **GAAMPS** adopted April 28, 2014.
- C. **Agriculture-like** includes operations and products from crops, chickens, and bees (such as **community garden**, **market garden**) (see **garden**). **agriculture-like** does not include operations or products from other poultry, small **animals**, large **animals**, aquiculture, and **farm markets** (such as but not limited to turkey; goat; pig; sheep; horse; cattle; fish; other sea food; and community and **market garden** on a **building** roof, inside a **building**, vertical farming;, and other building-dependant farming).

ALTERED/ALTERATIONS means any construction, modification, remodeling, repair, improvement, relocation, replacement of a **structure**, **building**, **Dwelling**, **accessory building** or **structure** which needs a permit under the provisions of **Section 8401 et. seq.** (entire **Article**) or under the provisions of **Section 8601 et. seq.** (entire **Article**).

AMBIENT means the **sound pressure level** exceeded 90% of the time or L90.

ANEMOMETER TOWER means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory **land use** to a **utility-scale wind energy system**. Also includes the same equipment for evaluating wind characteristics in preparation of or evaluation of construction of **on-site wind energy system** and **utility-scale wind energy system**.

ANIMAL means a **farm animal**, **pet**, but not animals used for research in a scientific laboratory, or specimens in a zoo, or wild animals in a rehabilitation facility.

ANSI means the American National Standards Institute.

APARTMENT BUILDING means a **use** which is a **Dwelling** designed for three or more **housing units** or **occupied** by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

APPEALS BOARD means the Sauble Township Board of Appeals, created in **Section 9601 et. seq.**, pursuant to the **Zoning Act**

ARTICLE means the main divisions of this Ordinance, cited by the words "**Section XXX et. seq.**" Articles are further divided by **Sections**.

BUFFER AREA means an area which does not have any **structures** which is designed to reduce or eliminate noise, light, visual and other impacts by use of distance or **setback** greater than otherwise required, berm, walls, **fences**, vegetation between incompatible **land uses**. (See also **vegetation belt**, **greenbelt**.)

BUILDABLE AREA means a contiguous area within a **parcel**, and within the **building envelope** with sufficient area of land suitable for **building** in full compliance with this Ordinance and which does not include:

- A. sand dune with slopes greater than 18 percent,
- B. beach contiguous to a lake or stream,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
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- C. **wetland,**
- D. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
- E. that part of a floodplain where flood waters are expected to have a destructive current as determined by the DEQ,
- F. existing **public utility easements,**
- G. existing public rights-of-way,
- H. waterfront **setback** areas, and
- I. slopes over 25 percent.

BUILDING means any **structure**, either temporary or permanent, having a roof and used or built for the shelter or enclosure of **persons, animals**, chattel, or property of any kind. Buildings **shall** include awnings; eaves to the drip line; attached decks and porches with or without a roof; and **trailers**, whether mounted or on wheels and situated on private property and **used** for purposes of a building.

BUILDING AREA means the total exterior foundation or framing area taken on a horizontal plane at the largest floor level of a **building** or an **accessory building** exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

BUILDING ENVELOPE means that portion of a **parcel** excluding the **setbacks** and applied to that **parcel** by this Ordinance.



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BUILDING HEIGHT means the vertical distance measured from the lowest elevation of the ground when construction is completed at the **building's** perimeter to the highest point of the roof (for flat roofs, to the deck line), but not including chimneys, antennas, steeples, and other similar non-inhabitable **structures** or portions of **structures**.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM means a **Solar Energy System** that is an integral part of a primary or **accessory building** or **structure** (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the **building** or **structure**. **Building-integrated systems** include, but are not limited to, photovoltaic or hot water **Solar Energy Systems** that are contained within roofing materials, windows, skylights, and awnings.

CAMPGROUND means a **use** on a **parcel** or tract of land licensed by the State under the control of a **person** in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units which includes **trailers** as defined in this Ordinance.

COMMERCIAL in the context of a **farm operation** means performing commercial production of any amount, without any minimum threshold of commercial activity.

COMMISSION means the Sauble Township Planning Commission created pursuant to P.A. 33 of 2008, as amended, (being Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*), and has vested with it all the powers and duties of a zoning Board pursuant to the **Zoning Act**.

COMMUNICATION TOWER FACILITIES means a facility, which includes transmitters, antenna **structures**, towers and other types of equipment necessary for, but not limited to, providing radio broadcasts, television broadcasts, dispatching, wireless services, broadband, terrestrial or satellite, and all commercial mobile services including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are radio and television broadcasting stations, repeater stations, radiotelephone, telegraph, cable television receiver stations, dispatching, Personal Communications Systems (PCS), telecommunications [5133]. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers. Communication tower facilities does not include antennas and their towers at a **person's** home for his personal use for television and radio reception, and citizen band or HAM radio **hobby** activity.

COMMUNITY GARDEN means a collective activity by a group of people, utilizing either individual or shared plots to grow food crops, plant fiber, ornamentals, or other plants for personal or institutional use, consumption, or donation. Community gardens may include common areas maintained and used by group members.

COTTAGE INDUSTRY means a **use** which includes any activity carried out for gain by a resident on the property on which the resident lives including manufacturing, services, sales of goods, and services made or provided on the premises. The **use** is intended to allow residents to conduct economic activities on their property at a scale greater than a **home occupation** but less than a full-scale commercial or industrial enterprise.

dB(A) means the **sound pressure level in decibels**. It refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.



2 "A" is the highest point (not including chimneys, antennas, steeples, etc.); "B" is the lowest point of the ground's surface around the perimeter of the structure; and "C" is the vertical distance measured for the height.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

DECIBEL means a unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.

DEGLE means the Michigan Department of Environment, Great Lakes & Energy.

DNR means the Michigan Department of Natural Resources.

DUAL USE means a **Solar Energy System** that employs one or more of the following land management and conservation practices throughout the project site:

- A. Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites. (Michigan State University Department of Entomology. Michigan Pollinator Habitat Planning Scorecard for Solar Sites. https://www.canr.msu.edu/home_gardening/uploads/files/MSU_Solar_Pollinators_Scorecard_2018_October.pdf)
- B. Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- C. Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- D. Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.

DUPLEX means a **use** which is a **Dwelling** designed for two **housing units** or **occupied** by two families only, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.

DWELLING means a **use** which is a **structure, mobile home**, premanufactured or precut dwelling **structure** designed as a single **housing unit** and used for the complete living accommodations of a single **family** which complies with the standards given in this Ordinance.

END OF USEFUL LIFE means the end of the manufacturer's recommended useful life of the product, when lease or **easements** expire, the **wind energy system** or parts of the **wind energy system** are abandoned for 12 months or more, or power purchase agreements expire.

EASEMENT means an agreement between landowners, public utilities, **persons**, for use of land for a specific purpose such as but not limited to utilities, driveways, pipelines, pedestrian ways, roads.

ENVIRONMENTAL ASSESSMENT means a summary review of environmental impacts of a project.

ENVIRONMENTAL IMPACT STATEMENT means a document which is a detailed review of the impacts on the environment by a proposed project.

EXISTING BUILDING means a **building** existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

FAMILY means an individual or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. However, this **shall** not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

FARM ANIMAL means domestic animals; exotic animals; any other animal so long as the animal is kept for the purpose of a **farm product**, for **farm operation**, or service to humans. **Farm animal** does not include animals used for research in a scientific laboratory, or specimens in a zoo, or wild and other animals in a rehabilitation facility.

FARM MARKET means a part of a **farm operation** which is a place or area where transactions between a farm market operator and customers take place seasonally or year-round. This includes roadside stands, farm stands, an area without a physical **structure**, a temporary **structure** such as a tent, etc., where at least 50 percent of the products or name-sake products marketed and offered for sale (measured as an average over the farm market's marketing season or up to a

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

five-year time frame) are produced on and by the affiliated **agriculture** establishment. (primary measure of the 50 percent will be the percentage of the retail space used to display products and name-sake products offered for retail sale. If measurement of retail space is not feasible, then the percent of the gross sales dollars of the farm market will be used.) **farm products** may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales. at the farm market, as long as allowed by law. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions.

FARM OPERATION means the same as defined in the Michigan Right to Farm Act, M.C.L. 286.472(b).

FARM PRODUCT means the same as defined in the Michigan Right to Farm Act, M.C.L. 286.472(c).

FENCE means a constructed barrier or planted hedge which is designed to do any one, or more, of the following:

- A. restrict passage through it regardless if the fence has a gate(s) or not,
- B. prevent viewing through it, and/or
- C. be decorative.

FLOOR AREA means the sum of the horizontal areas of each **story** of the **building** measured from the exterior faces of the exterior walls, but not including basements, unfinished attics, attached garages, breezeways and enclosed or unenclosed porches.

FORTY (40) ACRES means a **parcel** of land that is 40 acres in area, or a **parcel** which is ¼ of ¼ (6.25 percent) of the actual size of the public Government Land Survey section the **parcel** is within, or a Government Land Survey government lot which is 30 acres in area, whichever is less.

GAAMPS means generally accepted agricultural and management practices as defined in the Michigan Right to Farm Act, M.C.L. 286.472(d).

GARDEN means an **accessory use** which is the growing of plants for landscaping purposes which may consist of any plant (flowers, bushes, hedges, arbors, trees, groundcover, manicured lawn); food (vegetable, fruits, herbs); fibers; garden maintenance facilities (potting work area, composting); greenhouse, hoop house, and other **structures** subject to applicable **setback**, height, **parcel** coverage, and other regulations; and including other landscape features such as but not limited to paths, walls, rocks. A garden is not **commercial**. A garden is not **agriculture**, **agriculture-like**, **community garden**, or **market garden**.

GREENBELT means a landscaped area for purposes of aesthetics and for purposes of a **buffer area**. (See also **buffer area**, **vegetation belt**.)

GROUND-MOUNTED SOLAR ENERGY SYSTEM means a **Solar Energy System** mounted on support posts, like a rack or pole, that are attached to or rest on the ground.

HAZARDOUS SUBSTANCES means one or more of the following:

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in P.A. 188 of 1965 (being the Hazardous Substances Act, M.C.L. 286.452(d)).
- C. "Hazardous waste" as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 *et. seq.*)
[Annotation: M.C.L. 324.45101 *et. seq.* is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]
- D. "Petroleum" as defined in Article II Chapter 8 Part 213 of P.A. 451 of 1994, as amended, (being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act, M.C.L. 324.21301 *et. seq.*)
[Annotation: M.C.L. 324.45101 *et. seq.* is formerly P.A. 478 of 1988 (being M.C.L. 299.831 to 299.850, the Leaking Underground Storage Tank Act).]

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

HEIGHT means the distance between the base of the **wind turbine** tower at grade to the tip of the blade at its highest reach.

HOBBY means an activity carried out by a **person** primarily for pleasure and self-entertainment.

HOME OCCUPATION means a **use** which includes any activity carried out for gain by a resident and conducted as an **accessory use** as an automatic allowed **use** without a permit in the **person's** home, but not a **hobby**.

HORIZONTAL AXIS WIND TURBINE means a **wind turbine** that utilizes a main **rotor** shaft and electrical generator at the top of the tower and points into the wind for optimal operation.

HOST OR HOSTESS ESTABLISHMENTS means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.

HOUSING UNIT means a house, apartment, **mobile home**, group of rooms, or single room **occupied** as a separate living quarter (or if vacant, intended for occupancy as a separate living quarter.) Separate living quarters are those in which the occupants live and eat separately from any other **persons** in the **building** and which have direct access from the outside of the **building** or through a common hall.

IEC means the International Electrotechnical Commission.

INVASIVE PLANT means a non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health. (USDA U.S. Forest Service. What is an Invasive Plant Species. <https://www.fs.fed.us/wildflowers/invasives/index.shtml>.)

ISO means the International Organization for Standardization.

JUNK means

- A. old scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse, litter;
- B. materials from demolition, waste building materials; and
- C. junked, abandoned, scrap, dismantled or wrecked (including parts of) motorized vehicles, farm equipment, boats, **trailers**, **mobile homes**, appliances and all other machines.

Junk **shall** not include **yard** ornaments. Junk **shall** not include classic or antique items kept and collected for their antique or collectible value provided they are buffered such that they are not visible from off-site. Junk **shall** not include junk kept at a licensed Type I, II or III landfill for purposes of disposal as solid waste.

LARGE PRINCIPAL-USE SOLAR ENERGY SYSTEM means a **Principal-Use Solar Energy System** generating more than two MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market [see discussion in “Land-Use Considerations” on why this number is suggested, and why it might warrant tailoring to your community’s land-use typologies].

LAYDOWN AREA means a designated area where turbine components are temporarily stored prior to erection. A central **laydown area** may be used for the project or there may be several **laydown areas**. A **laydown area** may be used temporarily during construction or may be a permanent feature of the **wind energy system** development.

LEQ means the equivalent average sound level for the measurement period of time.

LIVESTOCK means horses, cattle, sheep, swine, fowl, and other farm or ranch **animals**, but not domestic house **pets**.

LOT means a lot in a subdivision.

MARIJUANA FACILITY means various facilities and enterprises licensed by the State of Michigan for any medical marijuana facilities or recreational marijuana enterprises.

MARKET GARDEN means an activity where food crops, plant fiber, ornamentals, or other plants are grown by an individual or a group to be sold for profit.

MASSAGE PARLOR means any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition **shall** not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
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to the hands, feet, scalp, face, neck or shoulder. This definition **shall** not be construed to include the practices of massage therapists who meet one or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State of Michigan;
- B. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus three references from massage therapists who are professional members of a massage association referred to in this **Section**;
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
- D. A current occupational license from another state.

MAXIMUM TILT means the maximum angle of a **Solar Array** (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.

MINIMUM TILT means the minimal angle of a **Solar Array** (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.

MOBILE HOME means a **Dwelling**, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a **Dwelling** with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed **mobile home** dealer or Michigan Licensed **mobile home** installer as required by P.A. 419 of 1976, as amended, (being the Mobile Home Commission Act, M.C.L. 125.1101 *et. seq.*) and administrative rules promulgated thereunder

MOBILE HOME PARK means a **use** which is a **parcel** of land under the control of a **person** upon which three or more **mobile homes** are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any **building, structure**, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a **mobile home** and which is not intended for use as a temporary **mobile home** or **trailer**.

NONCONFORMING STRUCTURE means a **structure** or **building** lawfully constructed that does not conform to the requirements of the district in which it is situated and existed prior to the effective date of this Ordinance.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

NONCONFORMING PARCEL means a **parcel** of land that does not conform to the regulations of this Ordinance for, but not limited to, size, shape, width, or **buildable area**.

NONCONFORMING USE means **structure, building**, plot, premise or land **occupied** by a **use** that does not conform to the regulations of the district in which it is situated and lawfully existing on the effective date of this Ordinance.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

NON-PARTICIPATING PARCEL means a **parcel** for which there is not a signed lease or **easement** for development of a **utility-scale wind energy system** associated with the applicant project. (See **participating parcel**.)

ON-SITE WIND ENERGY SYSTEM means a land **use** for generating electric power from wind and is often an **accessory use** that is intended to primarily serve the needs of the consumer on-site or an adjacent property.

OUTDOOR LIGHT FIXTURES means outside electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices **shall** include, but are not limited to, search, spot, and flood lights for **buildings** and **structures**, security, recreational areas, parking **lot**, landscape, billboard and other **sign** (advertizing or other), street lighting, product display area, **building** overhangs and open canopies lighting.

OUTDOOR RECREATION--PARKS means **uses** which are public or private playgrounds, vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, **gardens**, beaches, and so on but not including facilities designed for overnight or camping use.

OPEN DANCE HALL means an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

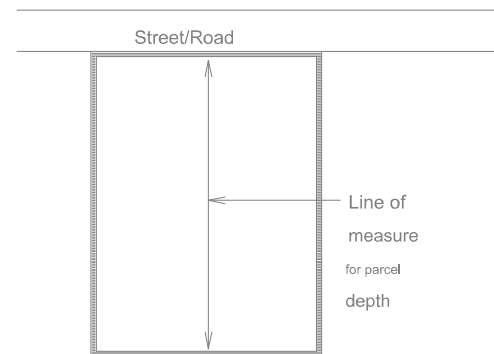
OWNERSHIP means the proprietor of the land who is a natural **person**, or his heirs, executors, administrator, legal representatives, successors, assigns, firm, association, partnership, corporation, or other legal entity, or government, or combination of any of them.

PARCEL means a tract of land or one or more **lots** or a condominium unit of land space and directly associated limited common element. If two or more parcels meeting the foregoing definition are contiguous and under common **ownership**, then all of such parcels **shall** be deemed a single parcel for purposes of this Ordinance on which one (1) principal **use** and its **accessory uses** are placed, together with the open spaces required by this ordinance.

PARCEL AREA means the total land area encompassed by the **property lines**, including any combination of **lots**, condominium units, or **parcels** of record or portions thereof, but in no case **shall** include **easement** for road right of ways, or an area of a public road which is there by historic **use**.

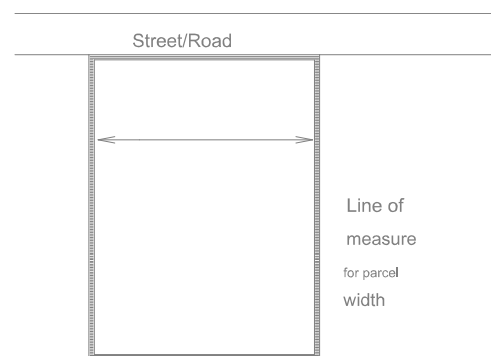
PARCEL MEASUREMENTS means:

- a. **DEPTH** of a **parcel shall** be considered to be the distance between the midpoints of straight lines connecting the foremost points of the front **property line** and rearmost points of the rear **property line**.



- b. **WIDTH**

- 1. The distance between the side **property lines** at each side of the **parcel**.
- 2. In determining **parcel** width on odd-shaped **parcels**, if the **parcel** abuts a curving street and, as a result, the side **property lines** are not parallel, the measurement of the width **shall** be at the front **yard setback line**.
- 3. In determining **parcel** width on other odd-shaped **parcels**, the average width measured at right angles to its depth.



PARENT PARCEL means a **parcel** of record as defined by the Michigan Land Division Act, (M.C.L. 560.101 *et. seq.*).

PARKING SPACE means one unit of parking area provided for the parking of one vehicle.

PARTICIPATING PARCEL means one or more **parcels** under a lease or **easement** for development of a utility-scale **on-site wind energy system**. (See **non-participating parcel**.)

PERSON means an individual, partnership, firm, corporation, association, organization, trust, company, or other legal entity, or local unit of government or other political subdivision of the state, or a state or state agency as well as an individual.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

PERSONAL PROPERTY SALES means events such as garage sales, yard sales, basement sales, auctions or other similar events where personal property is offered for sale on a limited basis and not for a duration of more than three days within any three month period.

PET means domestic animals primarily for a **person's** company, companionship, performance, attractive appearances, loyalty, for human therapy, playful personalities, or is a service animal pursuant to MCL 287.291. Pet does not include working animals, **farm animal**, animals used for research in a scientific laboratory, or specimens in a zoo, or wild and other animals in a rehabilitation.

PHOTOVOLTAIC SYSTEM means a semiconductor material that generates electricity from sunlight.

PLANNED UNIT DEVELOPMENT means a special **use** which is a form of land development or land improvement comprehensively planned as an entity via a unitary site plan which permits flexibility in **building**, siting, usable open spaces, and the preservation of significant natural features. A planned unit development may contain a single type of **use** or mix of **uses** if provided for by the underlying zone district and elsewhere in this Ordinance.

PRINCIPAL-USE SOLAR ENERGY SYSTEM means a commercial, **Ground-Mounted Solar Energy System** that converts sunlight into electricity for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

PRIVATE ROAD means a road which is part of a recorded subdivision and condominium developments and dedicated as a private road on the plat or master deed, or a road which is not public which services more than one **Dwelling** or business. Private Road **shall** not include driveways to a **Dwelling** or business or **accessory buildings** thereto when the driveway is located on the same **parcel** of land as the serviced **structure**; a United States Forest Service road; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a **parcel** of property.

PRIVATE UTILITY means any **person**, firm, corporation, a cell-phone provider, which is a private for-profit enterprise or is designed for an individual development; which furnish electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewerage facilities to a limited set of costumers.

PROPERTY LINE means the outside perimeter of a legally described **parcel** of land.

PUBLIC UTILITY means any **person**, firm, corporation, municipal department or Board fully authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewerage facilities to the public. (For the purposes of this ordinance, **communication tower facilities** are not included in the definition of a Public Utility.)

REPOWERING means reconfiguring, renovating, or replacing an **Solar Energy System** to maintain or increase the power rating of the **Solar Energy System** within the existing project footprint.

RIGHT-OF-WAY means a road, alley or other thoroughfare or **easement** permanently established for passage of **persons** or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

ROOF-MOUNTED SOLAR ENERGY SYSTEM means a **Solar Energy System** mounted on racking that is attached to or ballasted on the roof of a **building** or **structure**.

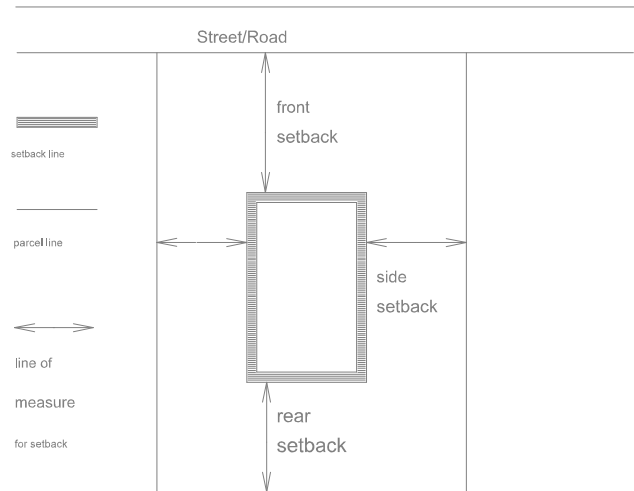
ROTOR means an element of a **on-site wind energy system** that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SECTION means a part of this Ordinance, being the next division under an **Article**. A Section is cited by **Article** number and Section number, "XXX", with the last two digits being the Section number, and the remaining digits to the left being the **Article** number. Sections may be further divided into subsections "A.", divisions "1.", paragraphs "a.", and subparagraphs "(1)", for example.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

SETBACK or **SETBACK LINE** means a line parallel to a **property line** which is a specified distance toward the center of a **parcel** from the **property lines** or water front. Side, front, rear and waterfront setbacks correspond to the respective **yard**. See **yard** in **Section 503**. It represents the minimum distance toward the center of the **parcel** to a **building**, including steps and unenclosed porches, measured from whichever of the following results in a smaller **building envelope(s)**. (See **building envelope** in **Section 503** of this Ordinance.) **Setbacks** are measured from:

- A. The specified distance from the **parcel** boundary.
- B. The specified distance, plus thirty-three feet, from the centerline of a road and **private road**.
- C. The specified distance from the road and **private road right-of-way** boundary.



SEX-ORIENTED BUSINESS means any Retail Trade (G), Service (I), establishment and **home occupation** which has more than ten percent (10%) of its business involving the sale, use, participation, and observation of:

- A. anything tangible, including any material which is capable of being used or adapted to arouse shameful or morbid interest in nudity, sex, or excretion, whether through the medium of reading, observation, sound or in any other manner, including but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction.
- B. representations or descriptions of normal or perverted, actual or simulated sexual intercourse, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a **person's** body or of any object into the genital or anal openings of another **person's** body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions;
- C. representations or descriptions of masturbation, excretory functions, or a lewd exhibition of the genitals.

Further, if any of the above meets all of the following criteria:

- A. that the average individual, applying contemporary community standards, would find that the material taken as a whole, appeals to the shameful or morbid interest in nudity, sex, or excretion;
- B. that the material, taken as a whole, lacks serious literary, artistic, political, or scientific value;
- C. that the material depicts or describes, in a patently offensive way, sexual conduct. "Material" includes undeveloped photographs, molds, printing plates, and other latent representational objects notwithstanding that processing or other acts may be required to make its content apparent.

SHALL means a mandatory directive. The word "shall" is always mandatory and not merely permissive.

SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a **on-site wind energy system** casting shadows on the ground and stationary objects, such as but not limited to a window at a **Dwelling**.

SIGN means anything which is used for, but not limited, to any lettered, numbered, symbolic, pictorial, design, trademark, illuminated visual display, banner, designed to identify, announce, direct, or inform, but does not include flags, community and public art.

- A. **GROUND SIGN** means a permanent **sign** mounted on the ground to a foundation flush with the surface of the ground.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
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- B. MOUNTED SIGN means a temporary **sign** or permanent **sign** mounted on the ground by means of posts, wire, plastic, or other means pushed or stuck in the ground and which are not fastened to a foundation.
- C. OFF PREMISE SIGN means
 - 1. any **sign** located on a **parcel** which is not owned by the owner of the **sign**,
 - 2. any **sign** located on a **parcel** which is not leased or rented for a business enterprise which is a principle land **use** by the owner of the **sign**, and
 - 3. any **sign** where the owner of the **parcel** receives compensation of any form for the use of the **sign**, except as listed in 2., above, and
 - 4. any **sign** where the owner of the **parcel** receives compensation of any form for the use of the space on the land **occupied** by the **sign**, except as listed in 2., above.
- D. POLE SIGN means a permanent **sign** mounted on one or two post(s) or pole fixed to a foundation.
- E. POSTED SIGN means a **sign** tacked or otherwise fastened to a **fence** post, tree, **fence** which is smaller than one square foot.
- F. PORTABLE SIGN means a temporary **sign**, or **sign** board placed on the ground which is portable and not anchored or secured to a **building**, ground, or anything else or carried around by a human or animal.
- G. ROOFTOP SIGN means a permanent **sign** mounted above the roof of a **building**.
- H. WALL SIGN means a permanent **sign** mounted on or otherwise displayed on the surface of a wall of a **building** including but not limited to electronically integrated into walls.

SMALL PRINCIPAL-USE SOLAR ENERGY SYSTEM means a **Principal-Use Solar Energy System** generating up to and including one MW DC for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

SOLAR ARRAY means a photovoltaic panel, solar thermal collector, or collection of panels or collectors in a **Solar Energy System** that collects solar radiation.

SOLAR CARPORT means a **Solar Energy System** of any size that is installed on a **structure** that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport **structure** are considered a **Roof-Mounted Solar Energy System**.

SOLAR ENERGY SYSTEM means a **Photovoltaic System** or **Solar Thermal System** for generating and/or storing electricity or heat, including all above and below ground equipment or components required for the system to operate properly and to be secured to a roof surface or the ground. This includes any necessary operations and maintenance **building(s)**, but does not include any temporary construction offices, substation(s) or other transmission facilities between the **Solar Energy System** and the point of interconnection to the electric grid.

SOLAR THERMAL SYSTEM means a system of equipment that converts sunlight into heat.

SOUND PRESSURE means the difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

SOUND PRESSURE LEVEL means twenty times the logarithm to the base 10, of the ratio of the root-mean-square **sound pressure** to the reference pressure of twenty micropascals, expressed as **decibels** (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB **shall** refer to an un-weighted measurement.

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. The display of human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection;

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

SPECIFIED ANATOMICAL AREAS means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernible state of tumescence, even if opaquely covered

STATE LICENSED RESIDENTIAL FACILITIES means a **use** which is a **structure** constructed for residential purposes that is licensed by the state, pursuant to P.A. 218 of 1979, as amended, (being the Adult Foster Care Licensing Act, M.C.L. 400.701 *et. seq.*) or P.A. 116 of 1973, as amended, (M.C.L. 711.111 *et. seq.*) or for the care of six or fewer elderly (senior) citizens.

STORY means that portion of a **building** included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

STRUCTURE means anything constructed, erected or placed with a fixed location on the ground or affixed to something having a fixed location on the ground, except, structure **shall** not include automobiles, trucks, **trailer**, hunting blinds, **fences**, hedges, sidewalks, **gardens**, shore stabilization devices.

SUBSTANTIAL OR SIGNIFICANT PORTION means a business or establishment which has:

- A. Thirty-five percent or more of its stock, materials, or services provided relating to or describing "**specified sexual activities**", and/or "**specified anatomical areas**"; and/or
- B. Thirty-five percent or more of the usable **floor area** of the **building** is used for the sale, display, or provision of services describing or relating to **specified sexual activities, specified anatomical areas**, or both; and/or
- C. The advertising (on **signs**, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "**specified sexual activities**" and/or "**specified anatomical areas**".

SUPERVISOR means the chief elected official of Sauble Township Board.

TOWNSHIP means the Township of Sauble Township, a Michigan municipal corporation.

TOWNSHIP BOARD means the Sauble Township Board of Trustees.

TRAILER means a vehicle which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, **mobile home** as defined in P.A. 300 of 1949, as amended, (being the Michigan Motor Vehicle Code, M.C.L. 257.1-257.82), and including camping units, or any other temporary dwellings.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS means and includes any of the following:

- A. The sale, lease or sublease of the business or establishment;
- B. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;
- C. The establishment of a trust, management arrangement, gift or other similar legal device which transfers **ownership** or control of the business, except for transfer by bequest or other operation of law upon the death of a **person** possessing the **ownership** or control.

USE means the purpose for which land or a **building** thereon is designed, arranged or intended to be **occupied** or used, or for which it is maintained. Also includes the purpose to which a building, structure or land is devoted, regardless of its original intended use.

USED or **OCCUPIED** means the physical presence of a **person** to use a **structure** and includes the words "intended", "designed", or "arranged" to be used or occupied.

UTILITY-SCALE WIND ENERGY SYSTEM means a land **use** for generating power by use of wind at multiple tower locations in a community and includes **accessory uses** such as but not limited to a SCADA Tower, electric substation. A **utility-scale wind energy system** is designed and built to provide electricity to the electric utility.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

VACATION RENTAL means a dwelling rented for a short term and does not include property rented for purposes of a domicile.

VACATION RENTAL-ABSENTEE LANDLORD means a **vacation rental** at which the property owner is not occupying their domicile on the same parcel.

VARIANCE means a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary hardship or practical difficulty.

VEGETATION BELT means an area which does not have any **buildings** and **structures**, not including docks, which is designed to mitigate the movement of nutrients in the ground into a **water body** by use of **woody plant material** whose roots are likely to remove nutrients from the soil prior to the nutrients reaching the **water body**, and for erosion and bank stabilization. (See also **buffer area, greenbelt.**)

VERTICAL AXIS WIND TURBINE means a **wind turbine** utilizing a vertical **rotor** shaft, these are often mounted the ground or a **building** and do not need to point into the wind to be effective.

WATER BODY/IES means surface water, lakes, **wetlands**, rivers, streams, ponds, springs but does not include man-made farm ponds, storm water retention ponds, sediment ponds or impromptu or uncontrolled collection of storm water.

WATER'S EDGE means the line where the water and shore meet when the water level is static. For fluctuating **water bodies**, it **shall** be the line where the water and shore meet when the water is at its annual high level.

WETLAND means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life, and is commonly known as the delta area of the Big Manistee River or Little Manistee River and characterized by a soil type which is hydric, alluvial land, undifferentiated, variably textured flood plane sediments.

WIND ENERGY SYSTEM means both a **on-site wind energy system** and **utility-scale wind energy system**.

WIND SITE ASSESSMENT means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a **wind energy system**.

WIND TURBINE means a group of component parts **used** to convert wind energy into electricity and includes the tower, base, **rotor**, nacelle, and blades.

WOODY PLANT MATERIAL means vegetation characterized as having a wooden stem or trunk (as opposed to a fibrous or grass stem) and may include those plantings recommended in Lakeland Report Number 12 on Greenbelts; A Circle of Protection For Inland Lakes prepared by University of Michigan Biological Station, Douglas Lake, February 1979.

YARD means an open space extending the full width of a **parcel** or extending from the front **building** line to the rear **building** line. Designations of side, rear, front, waterfront yards and side, rear, front, waterfront **setbacks shall** have a direct correlation.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

A. Front Yard means a yard between the front **property line**, which is adjacent to a road **right-of-way**, and the nearest **building line**:



B. Rear yard means a yard between the **property line** on the opposite side of the **parcel** from the **property line** adjacent to a road **right-of-way**:

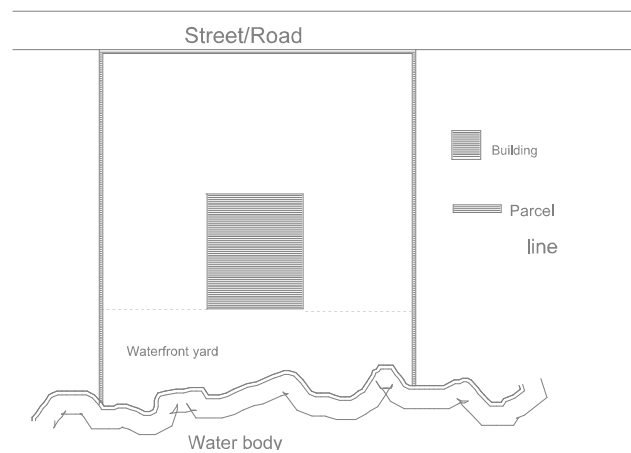


Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

C. Side yard means the remaining yard(s) between the front and rear **building** lines, and the side line(s) of the **parcel**:



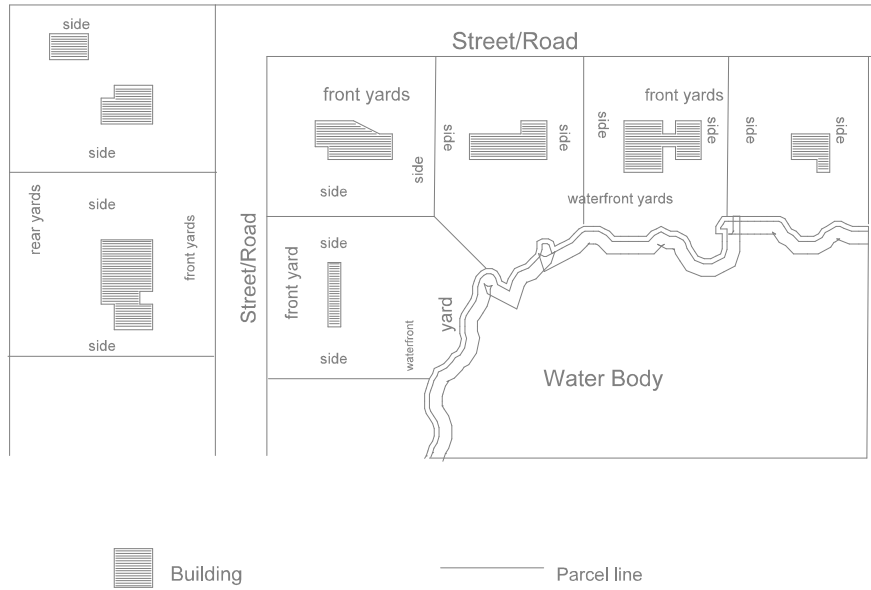
D. Waterfront yard means a yard between the **water's edge** and a **building** line. It may be situated in what would be a side or rear yard if the **water body** was not present:



Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

E. A **parcel** may have any combination of yards, so that it may not have a rear yard, it may have two front yards, etc.:

ZONING ACT means P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*).



Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 10: GENERAL REGULATIONS

100. General

1001. Purpose

It is the purpose of this **Article** to provide regulations that apply in all zoning districts to all permitted **uses** and special **uses**.

1002. Scope

Zoning applies to all **parcels** of land and to every **building, structure** or **use**. No **parcel** of land, no **building, structure** or part thereof and no new **building, structure** or part thereof **shall** hereafter be located, erected, **altered, occupied** or **used** except in conformity with this Ordinance.

1003. Bulk Regulations

A. The continuing maintenance of and association with required spacial relationships and physical requirements of this ordinance for the permitting of a **use, structure, building, and parcel shall** be the obligation of the owner of the **use, structure, building and parcel**.

B. Required spacial relationships and physical requirements of this Ordinance **shall** be allocated to be in connection with only one **use, structure, building, parcel** and are not transferable, not to be split or divided by any means, not to be shared, unless;

1. any of the **uses, structures, buildings, parcels** involved in the transfer does not result in failing to meet required spacial relationships and physical requirements of this Ordinance or other applicable ordinances including, but not limited to, the **Township, Lake County, and State of Michigan** subdivision control laws.
2. specifically permitted elsewhere in this Ordinance.

C. Required spacial relationships and physical requirements of this Ordinance **shall** apply uniformly within each respective zoning district to all **uses, structures, buildings and parcels** except that the following can be located anywhere on a **parcel**:

1. those parts of a **building** which are unroofed porches, terraces, patios and steps, and awnings and nonpermanent canopies;
2. flag poles;
3. hydrants;
4. clothes lines;
5. arbors, trellises, trees, plants, shrubs;
6. portable recreation equipment, outdoor cooking equipment; and
7. sidewalks, private driveways and walkways.

D. Notwithstanding anything to the contrary contained in this **Section**, and except as stated in **Section 1081**, no **parcel** of land **shall** contain more than one principal **building** or **use** and no **accessory building** or **structure** may be located on any **parcel** of land which does not have a principal **building** or **use** already established or being established contemporaneously with the **accessory building** or **structure**.

E. As used in this **Section**;

1. "Required spacial relationships" means all the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved **use, structure, building** and

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- parcel**, including but not limited to, **buffer areas, greenbelt, building area, building envelope, parcel area, parcel measurements (width, setback), parking space, vegetation belt, yard.**
2. "Physical Requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements or uses/functions required for an approved **use, structure, building and parcel**, including but not limited to, placement of **accessory structures**, improvements within **buffer areas, building height, easement, floor area**, improvements within a **greenbelt**, all requirements found in **Section 1001 et. seq.** of this Ordinance, access drive, drives, loading areas, solid waste storage areas, service drive, parking areas.

1004. General Provisions

No **parcel, building or structure** in any district **shall be used or occupied** in manner which creates any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided any **use** permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

- A. Any activity involving the use or storage of flammable or explosive materials **shall** be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards **shall** be kept removed from adjacent activities to a distance which is compatible with the potential danger involved as is required by applicable provisions of the State Construction Code and rules promulgated thereunder and/or the State Fire Marshal.
- B. Activity which emits radioactivity at any point, or electrical disturbance **shall** not be permitted in excess of the applicable federal, state, or local regulations or rules promulgated thereunder, including but not limited to, regulations of the Federal Nuclear Regulatory Commission or Public Service Commission or Michigan Department of Health and Department of Radiology.
- C. No vibration **shall** be permitted in excess of the applicable **township** noise ordinance as amended, if there is one, or regulations promulgated by rule thereunder.
- D. No malodorous gas or matter **shall** be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder.
- E. No pollution of air by fly-ash, dust, vapors, or other substances **shall** be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder.
- F. No pollution of **water bodies** **shall** be permitted in excess of the applicable state or federal water pollution statutes or regulations promulgated by rule thereunder.
- G. No audible noise **shall** be permitted in excess of the standards in Section 1032 of this Ordinance and the **township** noise ordinance, as amended, if there is one.
- H. No storm water runoff, which is a result of development site design, or other manmade alternatives, **shall** be allowed to collect which results in water standing on the surface, unless the standing water is a part of a properly managed and maintained storm water retention system, sediment pond; or the standing water is in a natural **wetland or water body**.

The **Administrator shall** enforce this **Section** by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The **Township Board** may take direct enforcement action only after a finding that cooperation by the **Administrator** with other agencies has not been successful.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

101. Environmental, Water

1010. Water Supply and Sewage Facilities

A. A **structure** which is for human or animal occupancy **shall** be connected to a public sewer and water supply or to such private facilities in compliance with the Lake County Sanitary Code, as amended.

B. The **Administrator shall** enforce this **Section** by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The **Township Board** may take direct enforcement action only after a finding that cooperation by the **Administrator** with other agencies has not been successful.

1011. Water Protection

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions **shall** apply:

A. No **structure shall** be built, located or constructed closer to the **water’s edge** than fifty (50) feet for **buildings**, or one hundred (100) feet for nutrient sources (such as but not limited to drain fields, highly fertilized areas, manure storage), measured on a horizontal plane to the **water’s edge**. In the event the **water’s edge** recedes (moves landward), the **setback line shall** also be construed as to have moved landward a distance equal to the **water’s edge** recession. In cases where **parcels** are smaller than the minimum **parcel** size allowed in the particular district so that applicable **setbacks** given here and in a particular district result in a **building envelope** less than 25 by 40 feet the **Appeals Board** may grant a further reduction with preference given to reducing side **yard setback** and/or a front **yard setback** prior to reducing the required water front **setback**. This **setback shall** not apply to a dock, bridge, or stairs and path to the shore.

B. Within ten (10) feet of the **water’s edge** (or landward beach/vegetation line) a **vegetation belt shall** be maintained by not removing trees with a trunk diameter of three inches at breast height, or greater, unless dead or chronically diseased. Trees and other **woody plant material** of a smaller diameter at breast height (4½ feet), **shall** not be removed, except to prune or clear a filtered view of the **water body**. It **shall** be the landowner's responsibility to maintain this **vegetation belt** in a healthy state.

C. No **building** or **structure shall** be built, located or constructed within a 100 year flood plain of any **water bodies** in any land use district as may be determined by the **DNR** or **DEGLE**. This **shall** not apply to a dock, bridge, or stairs and path to the shore.

1012. Hazardous Substance Groundwater Protection.

A. Purpose: The requirements here are intended to reduce the accidental spill of hazardous substances onto the ground through site plan and design requirements when a building or structure is first built. It is not for environmental enforcement of other state statutes or response to spills.

B. All businesses and facilities which use or generate **hazardous substances** (except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor, (2) materials in a five gallon, or smaller, pre-packaged sealed containers and is for purposes of resale and located inside a retail establishment):

1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,

shall comply with the groundwater protection requirements in this **Section**.

C. Groundwater Protection requirements:

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

1. Groundwater Protection, generally:
 - a. The project and related improvements **shall** be designed to protect the natural environment, including lakes, ponds, streams, **wetlands**, floodplains, groundwater, street slopes, and natural and man-made drainage systems.
 - b. Stormwater management and drainage facilities **shall** be designed to retain the natural retention and storage capacity of any **wetland, water body**, or watercourse, and **shall not** increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - c. General purpose floor drains and storm drains **shall** be:
 - (1) connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements, or
 - (2) authorized through a state groundwater discharge permit, or
 - (3) connected to a public sewer system.
 - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of **hazardous substances** and polluting materials **shall** be met. No discharge to groundwater, including direct and indirect discharges, **shall** be allowed without appropriate state and county permits and approvals.
 - e. In determining conformance with the standards in this Ordinance, the **Administrator** or **Commission**, whichever one is applicable, **shall** take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of **hazardous substances** and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.
 - f. Out-of-service water wells **shall** be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the health department with jurisdiction in Lake County.
 - g. If the site plan includes territory within a Wellhead Protection Overlay Zone the applicant **shall** submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the **Administrator**, county and state officials.
2. Above-ground Storage
 - a. Primary containment of **hazardous substances shall** be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
 - b. Secondary containment for the storage of **hazardous substances** and polluting materials is required. Secondary containment **shall** be one of the following, whichever is greatest:
 - (1) sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, or
 - (2) **shall** be at least as great as volumes required by state or county regulations, or
 - (3) **shall**, if not protected from rainfall, contain a minimum of
 - (a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus
 - (b) the volume that is **occupied** by all other objects within and below the height of the dike of the secondary containment area plus
 - (c) the volume of a 6 inch rainfall.
 - c. Secondary containment **structures** such as out **buildings**, storage rooms, sheds and pole barns **shall** not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- d. Areas and facilities for loading/unloading of **hazardous substances** and polluting materials, as well as areas where such materials are handled, stored or used, **shall** be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, **wetlands**, groundwater or soils.
 - e. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal **shall** be met.
 - f. Bulk storage of pesticides **shall** be in accordance with requirements of the Michigan Department of Agriculture.
3. Underground Storage
- a. Underground storage tank installation, operation, maintenance, closure and removal **shall** be in accordance with the requirements of the State Police Fire Marshal Division and the **DEGLE** or their successor agencies.
 - b. Bulk storage facilities for pesticides and fertilizers **shall** be in compliance with requirements of the Michigan Department of Agriculture.

1013. Surface Runoff

For all commercial establishments, industrial establishments, **Planned Unit Developments**, special **uses**, and new developments (**Section 1201 et seq.** of this Ordinance) the site **shall** be designed to require no net runoff or found to comply with requirements of this **Section**.

- A. Complete standards and criteria for design of storm water runoff and control **shall** comply with Rules published from time to time by the County Drain Commissioner and filed with the County Clerk.
- B. In addition to compliance with the *Rules*, provisions for long-term maintenance of any storm water runoff and control practice will be addressed in documentation submitted for a zoning permit application.
- C. Prior to submitting a site plan, obtain a storm water permit, including payment of any fees, from the County Drain Commissioner.

102. Environmental, Solid Waste

1020. Waste Accumulation and Outside Storage

- A. It **shall** be unlawful for any **person** to accumulate **junk** on any land except in a permitted junkyard or licensed sanitary landfill or as allowed by **Township** ordinance.
- B. No sewage, waste water or water containing foreign substances **shall** be deposited or drained into any **water bodies** unless the same has first been approved by state and county health authorities.
- C. The provisions of this **Section** are not to be deemed to prohibit storing or spreading of manure, fertilizers, or other soil conditioners as part of a permitted **agriculture**, Forestry operation; home **garden** or lawn care; Zoos and Botanical Gardens; Nature Parks and Other Similar Institutions; and parks.

103. Environmental, Land/Other

1030. Undevelopable land

No **structure**, temporary dwelling, or other development **shall** occur on that part of the **parcel** which comprises of the following features. If there is not an area within a **parcel** of record which exists on the effective date of this Ordinance, or a subsequent larger **parcel**, large enough to allow any **use** of the **parcel**, then the **Appeals Board** may grant a **variance** from this provision:

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- A. sand dune with slopes greater than 18 percent,
- B. beach contiguous to a lake or stream,
- C. **wetland**,
- D. area which is not accepted by the Public Health Department which has jurisdiction in Lake County for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Public Health Department which has jurisdiction in Lake County,
- E. high risk erosion area,
- F. that part of a flood plane where flood waters are expected to have a destructive current,
- G. existing **public utility easements**,
- H. existing public rights-of-way,
- I. waterfront **setback** areas, and
- J. slopes over 25 percent.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

1031. Agriculture and Agriculture-Like requirements

A. An **agriculture** land **use shall** comply with all the requirements of **Section** 1031. of this Ordinance except that if the activity also appears in any of the current **GAAMPS**, or is contained in the Right to Farm Act (MCL 286.471 *et seq.*) then regulations of this Ordinance on the same topic **shall** not apply.

B. An **agriculture-like** land **use shall** comply with all the requirements of **Section** 1031. of this Ordinance, and **shall** comply with all applicable **GAAMPS**. In the case that the activity also appears in any of the current **GAAMPS** or is contained in the Right to Farm Act (MCL 286.471 *et seq.*), then regulations of this Ordinance on the same topic **shall** apply and supercede those of any **GAAMPS** or the Right to Farm Act (MCL 286.471 *et seq.*) where a conflict exists. If this Ordinance is silent on a topic that is covered by a current **GAAMPS**, then the practices in that **GAAMPS shall** be a requirement of this Ordinance.

C. Requirements for all **agriculture** and **agriculture-like** land **uses**:

- 1. All **setback**, and all other applicable standards in the respective zoning district and overlay district.
- 2. All applicable general regulations standards in **Article** 1001. *et seq.* of this Ordinance.
- 3. If applicable for a special **use**, the general special standards in **Section** 8609. of this Ordinance and specific special **use** standards in **Section** 1202, 1601. *et seq.* of this Ordinance.
- 4. The **agriculture** and **agriculture-like** land **uses** are only allowed in zoning districts where these land **uses** are specifically named as a permitted **use** or possible special **use**.
- 5. Soil testing for contaminants in any residential, commercial, or industrial zoning district.
 - a. A phase one environmental site evaluation **shall** be submitted with the zoning application. The evaluation **shall** include:
 - (1) History of the site and surrounding area listing all potential soil contaminants suspected from past and current land **uses** based on "Sources of Contaminants in Soil", Appendix A, of Urban Livestock Technical Workgroup Report, (An appendix to Urban Livestock Workgroup Recommendations to Director Clover-Adams and Senator Hune)).
 - (2) Representative sampling soil test results for the site which includes testing for likely contaminants based on the history of the site and for lead and arsenic based on Urban Agriculture in Michigan: Things to consider about soil and water; Working with Soil in Urban Areas; and Interstate Technology regulatory Council's (ITRC) Incremental Sampling Methodology and specific instructions from the laboratory conducting the soil analysis.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- b. The site **shall** not be used for **agriculture** or **agriculture-like** unless it meets one of the following
- (1) Soil test results show at or below safe concentrations of soil contaminants as shown in Appendix B, of Urban Livestock Technical Workgroup Report, (An appendix to Urban Livestock Workgroup Recommendations to Director Clover-Adams and Senator Hune))
 - (2) Contaminated soil has been removed and replaced with clean soil
 - (3) A barrier is placed between contaminated soil and crops and **livestock**. The barrier **shall** be sufficient layer(s) of clean soil, concrete, geotextile fabric, rock, and the barriers **shall** be continuously inspected and replaced as needed.
 - (4) Use of raised beds.
 - (5) Keep **livestock** and crops above the contaminated soil.
6. Storage and stacking of nutrient sources (manure piles, chemical or organic fertilizers) **shall** be set back 100 feet from any surface water. Within 10 feet of the **water's edge** (or landward beach/vegetation line) a **vegetation belt shall** be maintained by not removing trees with a trunk diameter of three inches at chest height, or greater, unless dead or chronically diseased. Trees and other **woody plant material** of a smaller diameter at chest height (4½ feet), **shall** not be removed, except to prune or clear a filtered view of the **water body**. It **shall** be the landowner's responsibility to maintain this **vegetation belt** in a healthy state.
7. Buffer; organic and inorganic chemicals:
- a. Application of chemical or organic fertilizers, nutrients, pesticides, herbicides, fungicides, and similar products **shall** not take place within 10 feet from a **property line** and **shall** be further buffered from that **property line** with a 10 foot **vegetation belt** adjacent to the **property line** which **shall** be maintained by not removing trees with a trunk diameter of three inches at breast height, or greater, unless dead or chronically diseased.
 - b. Trees and other **woody plant material** of a smaller diameter at breast height (4½ feet) **shall** be established or retained.
 - c. In the **buffer area** it **shall** be the landowner's responsibility to maintain this **vegetation belt** in a healthy state. This **setback** and **vegetation belt** may include pedestrian, automobile and equipment ingress and egress.
 - d. This **setback** and **vegetation belt** requirement does not apply to a **property line** which is adjacent to another **agriculture** and **agriculture-like use**. This **setback** and **vegetation belt** requirement does not apply to a **garden** and **yard**.
 - e. Individuals using or supervising the use of restricted-use pesticides for the purpose of producing an agricultural commodity on their own lands or their employer's land, or on land rented to them **shall** be certified Private Applicators by the Michigan Department of Agriculture and Rural Development. Individuals authorized to apply general-use and restricted-use pesticides for a **commercial** purpose, or as a scheduled and required work assignment in the course of his employment **shall** be certified Commercial Applicators with the applicable category(ies) of certification pursuant to MCL 324.8311 *et seq.*, part 83 of the Natural Resources and Environmental Protection Act (PA 451 of 1994, as amended)
8. The property **shall** be maintained free of high grass (with the exception of the **setback**-buffer or **vegetation belt** area as specified in **Section 1031.C.7.** of this Ordinance and purposely cultivated native species, which **shall** be allowed), weeds, or debris. Dead garden plants **shall** be cut back at

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

- or near the ground or removed regularly, and in any instance, no later than 60 days after the average date for the first killing frost as established for the **agriculture** or **agriculture-like** location by the National Weather Service, National Oceanic and Atmospheric Administration.
- 9. Plants from cultivated areas **shall** be prevented from encroaching onto adjacent properties or onto the public **right-of-way**.
- 10. **Agriculture** and **agriculture-like uses shall** not be detrimental to the physical environment or to public health and general welfare by reason of excessive production of noise, smoke, fumes, vibrations, or odors.
- 11. Tools, supplies, and machinery **shall** be stored in an enclosed **structure** or removed from the property daily. All chemicals and fuels **shall** be stored off the ground, in an enclosed, locked **structure** that is designed as a secondary containment for groundwater protection.
- 12. Motorized equipment within a residential zoning district or residential planned development district **shall** be restricted to hours beginning at 8am and ending at 8pm Equipment, such as fans, necessary for the operation of greenhouses is exempted from this provision.
- 13. If temporary restroom facilities are provided on site, they **shall** be screened on at least three (3) sides from public view by an opaque impact-resistant **fence** of sufficient height to screen the facility(ies).
- 14. Water protection
 - a. Surface water and drain isolation. Nutrient sources **shall** be 100 feet from any surface water, county drain, and **wetland** boundary. As used here nutrient sources includes but are not limited to pasture systems, manure land application, stacked solid manure, treatment systems, lagoons and storage basins, manure as fertilizer application, and runoff retention basins.
 - b. Runoff. No runoff from nutrient sources **shall** be allowed to leave the **parcel**, except as provided in 1031.C.14.c. of this Ordinance. A drainage plan **shall** be prepared and approved prior to issuance of a zoning permit showing existing and proposed topography, retention areas or basins, calculations and other engineering for peak discharge rates, and other information required elsewhere in this Ordinance or other applicable ordinances.
 - c. Storm sewer and drain protection. In areas where storm sewer and sanitary sewer systems are separated no runoff **shall** discharge into a storm sewer or drain system. No runoff **shall** discharge into a sanitary sewer system unless approved as a customer by the operator of the sewage treatment system.
 - d. Sanitary sewer. In areas where storm sewer and sanitary sewer are not separated no runoff from nutrient sources **shall** discharge into the sewer system.
- 15. Complaint Resolution: **agriculture-like** operations **shall** have a **Administrator** approved process to resolve complaints from nearby residents concerning the construction or operation of the project.

D. Crops.

- 1. Requirements for all crop **agriculture** and **agriculture-like** land uses: production of food, fiber, and plants for other products (including but not limited to **community gardens, agriculture, agriculture-like, market gardens** (but not **gardens**)) **shall** comply with the following.
 - a. The property **shall** generally be maintained in an orderly and neat condition.
 - b. Compost and fertilizer storage **shall** not be located in a front **yard** and at least ten (10) feet from the nearest principal residential **structure**.
 - c. Farmers markets are permitted as an **accessory use** where located on the same **parcel**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- 2. **community garden and market garden.**
 - a. Only the following **accessory uses** and **structures** are permitted for a **community garden**:
 - (1) greenhouses, hoophouses or high tunnels, and similar **structures** used to extend the growing season;
 - (2) benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, **garden art**, rainwater catchment system;
 - (3) tool sheds and shade pavilions;
 - (4) garages
 - b. Farmers markets are permitted as an **accessory use** where located on the same **parcel** as a **community garden** sponsoring organization, religious institution, school, non-profit neighborhood centers, parks, and public land subject to **Section 1031.G.** of this ordinance.
- 3. Bees.
 - a. Before introduction, broodless hive bees, and packages **shall** be decontaminated for mite control at pickup locations. For all bees continued treatment for mites **shall** be done before being hived, and during hive activity monitoring. Use of miticides, antibiotics, and insecticides for the management of the following, but not limited to, mites, the small hive beetle (*Aethina tumida*), brood diseases, and microsporidian parasites **shall** be done. Use of dietary supplements for stimulating hive buildup and to maintain colony health **shall** also be used as needed.
 - b. Beekeepers **shall** maintain splits, swarm traps, and constant vigilance in spring and early summer to control swarming. If swarming is not prevented the beekeeper **shall** have a written plan for swarm rescue and placement in a quarantine yard.
 - c. Hives **shall** be located not closer than 200 feet from **parcel** lines or another's **Dwelling**. The distance from **parcel** lines may be reduced to the respective **setback** required in the zoning district for the hive(s) if a six foot high flyway barrier is located along or near the **property line(s)** consisting of a solid **fence**, wall, or dense vegetation that prevents a direct line of flight from the hives into neighboring properties, elevated living areas, sidewalks, public and private for public use **right-of-ways**.
 - d. Density of hives per area of the **parcel shall** comply with the practices presented in the **GAAMPS** for the Care of Farm Animals.
 - e. A hive **shall** not exceed 20 cubic feet in volume.
- E. Requirements for all **farm animal agriculture** and **agriculture-like land uses**:
 - 1. **Farm Animal Health**
 - a. A management practices plan created in consultation with a veterinarian for **animal health shall** be maintained and followed. Such plan **shall** include:
 - (1) Use of veterinary drugs as recommended by the veterinarian;
 - (2) **animal health** monitoring;
 - (3) Rabies monitoring;
 - (4) Ongoing working relationship with a veterinarian;
 - (5) Use of drugs as specified on the Food and Drug Administration label or extra label with prescription by a veterinarian or under direct supervision of a veterinarian with a valid veterinarian-client-patient relationship.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- b. Products from a drug treated **animal shall** not be produced, sold, or given away until after the withdrawal time has lapsed.
- c. All reportable **animal** diseases (based on the most recent Michigan Reportable Animal Diseases List) **shall** be reported to the state veterinarian when suspected or confirmed to be present in one or more **animals**.
- d. Each site **shall** have a premise identification number for the site, if applicable, and each **animal** that is required to **shall** have an official identification (ear tag).
- e. **Animal** feed **shall** be stored to prevent spoiling, and contamination, (mold, etc.), and used prior to its expiration date. Storage **shall** be in secured container(s) to prevent attraction of rodent, bird, wildlife, insects (all of which can contaminate feed with feces, saliva, microbial growth).
- f. Leftover feed **shall** be cleaned out and disposed of in a secured container to prevent attraction of rodent, bird, or other wildlife.
- g. Owners **shall** take steps to avoid the buildup of flies and maggots by keeping litter and feed dry and promptly disposing of **animals**.
- h. Owners **shall** practice rodent control which, at a minimum, includes eliminating nearby hiding places (trash, weeds, and debris), trapping and baiting rats and mice on a regular basis.
- i. **Farm animals shall** be fed and watered on a daily basis in regularly checked and cleaned containers.
- j. The process of weeding out inferior **animals** (culling), managing mortality (death), and eliminate unwanted **animals shall** be done through an **animal** care program involving euthanasia.
 - (1) All slaughtering activities **shall** be done in an enclosed area.
 - (2) All wash water and slaughter by-products **shall** be captured and disposed of as waste.
 - (3) Owners should bag and dispose of dead **animals** by use of an off-site disposal service.
- k. On-site weeding (culling) and slaughter **shall** be limited to **farm animals** raised within the **parcel**, not **animals** from other locations.
- l. **animal** and non-compost waste.
 - (1) A minimum of 4.9 acres per **animal** unit of pasture **shall** be allowed. (As used here "**animal** unit" is 1,000 pounds of live weight or as defined in *Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Facilities*, Michigan Department of Agriculture & Rural Development.)
 - (2) Waste management
 - (a) Waste materials (feed, manure, and litter) **shall** be cleaned up every day, or very few days as needed, from coops and outside areas, and disposed of in an environmentally responsible manner. The materials **shall** be composted using a fully enclosed bin or three sided **structure** with the opening facing toward the center of the **parcel**, or bagged and disposed of in the trash. Piling waste materials on the property is not allowed.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- (b) All waste (including, but not limited to pulled weeds, discarded materials from crops, cracked eggs, spoiled feed, spoiled food, other solid waste, manure) **shall** be scraped and removed from outside areas.
- (c) Odor **shall** be controlled by, but not limited to, applying lime or wood shavings.
- (d) Daily or at least every three days indoor areas **shall** be cleaned. Manure and bedding **shall** be removed.
- (e) If manure is temporarily kept on the premises, it **shall** be placed in a covered bin or on a concrete pad and covered. No runoff **shall** be allowed from the manure pad onto the ground. Removal **shall** be done by use of solid waste disposal services or in other ways, including but not limited to shipment to a rural-located farm or composting facility, or composting on site **shall** be done in a compost bin.

2. Chicken:

- a. Raising chickens is limited to six per **parcel** in residential zoning districts irrespective of **Section 1031.E.1.1.(1)** of this Ordinance.
- b. No roosters (male adult chickens) may be kept.
- c. Chickens are not allowed in a residence, porch or attached garage.
- d. Chickens **shall** be confined (including area of free range) to within the **parcel**.
- e. The coop **shall** be designed to discourage rodents and wild birds from entering. The facilities should be built to keep dogs, cats and wildlife from gaining entry.
- f. The chicken facility **shall** be 10 feet from any **property line** or the respective **setback** required in the zoning district for **accessory structures**, whichever is greater. The poultry facility **shall** be 10 or more feet from a neighboring **occupied structure**.
- g. Sale of chicken or chicken products **shall** not be allowed in residential zoning districts.
- h. An **agriculture-like** operation **shall** annually report its continued existence to the **Administrator** for purposes of reducing impact and spread of a disease through prompt identification of poultry locations. The **Administrator shall** maintain a list of all **agriculture-like** operations allowing for a quicker response to a disease outbreak.
- i. **Agriculture-like** operations **shall** not be located within four miles of an existing agricultural **commercial** poultry operation.
- j. Minimum space and indoor housing requirements (exclusively for the **animal** and not located within **setbacks**; front **yard**; waterfront **yard**; **Dwelling**; sand dune with slopes greater than 18 percent; beach contiguous to a lake or stream; **wetland**; and slopes over 25 percent).

Animal	Hen (eggs)	Broiler (meat)
Indoor usable floor space per animal	1.5 square foot	1 square feet
Outdoor usable space (fenced , enclosed) per animal	43.6 square feet	10.8 square feet

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

Animal	Hen (eggs)	Broiler (meat)
Type of housing	Enclosed barn/coup.	Enclosed barn/coup.
setback	10 feet, the respective setback required in the zoning district, or 10 feet from neighbor's residence, whichever is greater.	10 feet, the respective setback required in the zoning district, or 10 feet from neighbor's residence, whichever is greater.

- 3. **Agriculture-like Small farm animal** (not allowed in any zoning district).
- 4. **Agriculture-like Large farm animals** (not allowed in any zoning district).
- F. **Agriculture-like Aquiculture** (not allowed in any zoning district).
- G. **Agriculture-like farm market** (not allowed in any zoning district).

1032. Noise

- A. A land **use shall** not result in noise beyond the levels in the following table, or the maximum levels required in the **Township Noise Ordinance**, if there is one, whichever is less. If the average background **sound pressure level** exceeds the **dB(A)** in the table, then the standard **shall** be background sound **dB(A)** plus 10 **dB(A)**.

Zoning District	Night: Constant source of noise: eight or more hours duration	Night: intermittent source of noise: eight or fewer hours duration	Day: Constant source of noise: eight or more hours duration	Day: intermittent source of noise: eight or fewer hours duration
Residential and special and unique (environmental) zoning districts	40 dB(A) LEQ (one hour), and 45 dB(A) Lmax	45 dB(A) LEQ (one hour), and 50 dB(A) Lmax	50 dB(A) LEQ (one hour), and 60 dB(A) Lmax	55 dB(A) LEQ (one hour), and 65 dB(A) Lmax
Commercial and office zoning districts.	50 dB(A) LEQ (one hour), and 55 dB(A) Lmax	55 dB(A) LEQ (one hour), and 60 dB(A) Lmax	60 dB(A) LEQ (one hour), and 70 dB(A) Lmax	65 dB(A) LEQ (one hour), and 75 dB(A) Lmax
Agricultural, industrial, and rural residential zoning districts	60 dB(A) LEQ (one hour).	65 dB(A) LEQ (one hour).	70 dB(A) LEQ (one hour).	75 dB(A) LEQ (one hour).

- B. Noise **shall** be measured at the **property line** of the **parcel** on which the source of the noise is from.
- C. For purposes of this **Section** “night” **shall** be sunset to the next day’s sunrise. “Day” **shall** be sunrise to the same day’s sunset.
- D. Sound measurement methodology: **Sound pressure level** measurements **shall** be performed by a third party, qualified professional selected by the developer and approved by the **Commission**. Testing **shall** be

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

performed according to the procedures in the most current version of ANSI S12.18 and ANSI S12.9 Part 3. All **sound pressure levels shall** be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter.

- E. Post-construction sound survey: A post-construction sound survey **shall** commence within the first year of operation to document levels of sound emitted from **wind turbines**. The study will be designed to verify compliance with sound standards applicable to this ordinance. The **wind energy system** owner **shall** provide SCADA data during the testing period to the sound consultant completing the study.

104. Parcel and Setback Regulations

1040. Fences

Fences over six (6) feet high **shall** be set back the required distance for the respective land **use** district. A **fence** may be up to eight (8) feet high around a **garden** or swimming pool. **fences** within the **setback** area **shall** not exceed six (6) feet in height. **fences** located in the front **yard** and waterfront **yard** portion(s) of a **parcel shall** not exceed four (4) feet in height. No **fence** of any type **shall** be within the waterfront **yard** between the principle **structure** and the **water’s edge**.

1041. Parcel Width to Depth Ratio

Any **parcel** created after the effective date of this Ordinance **shall** not have a depth which is more than four (4) times its width.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

1042. High-Forest Fire Urban Interface Regulations

Any **structure** constructed or **altered** after the effective date of this Ordinance which is located in a highly combustible vegetation area **shall** comply with the requirements of this **Section**. “Highly combustible vegetation area” means an area which has predominantly evergreen tree species with lower branches which do not die of and are near to the ground, such as, but not limited to, Jack Pine or Scrub Pine (*Pinus banksiana*), Scotch Pine or Scotch Fir (*Pinus Sylvestris*), Red Pine or Norway Pine (*Pinus resinosa*), Spruces (*Picea*), Hemlock (*Tsuga canadensis*), and Cedars or Junipers (*Pinaceae*); and other situations where **structures** encroach into wildlands.

- A. Defeasible space.
 - 1. A three (3) foot primary fire-defensible space **shall** be established on all sides of each **structure**. Primary fire-defensible space **shall**:
 - a. not have any combustible materials.
 - b. have landscaping which includes, but is not limited to, non-combustible materials such as gravel, marble chips, concrete, or mineral soil.
 - c. Not have a cluster of combustible trees, and no Jack Pine or Scrub Pine (*Pinus banksiana*), and Scotch Pine or Scotch Fir (*Pinus Sylvestris*) species.
 - 2. A thirty (30) foot secondary fire-defensible space within the **parcel shall** be established on all sides of each **structure**. The thirty (30) foot secondary fire-defensible space **shall** be increased by one (1) foot for each one (1) foot where the ground slopes more than 15% down from the **structure**. Secondary fire-defensible space **shall** have:
 - a. tree branches below six (6) to ten (10), or more, feet pruned and removed.
 - b. trees spaced so the edges of crowns are ten (10) to sixteen (16), or more, feet apart.
 - c. household and other debris, brush, ground fuels (leaves and pine needles) removed.
 - d. landscaping which includes, fire-resistant plants such as those listed in Michigan State University Extension bulletin E-2948 “Wildfire-Resistant Landscape Plants for Michigan” of 2005 or a manicured lawn or **garden**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

3. A tertiary space beyond the thirty (30) to one hundred (100) foot secondary fire-defensible space within the **parcel shall** be established on all sides of each **structure**. Tertiary space **shall** have:
 - a. trees spaced so the edges of crowns are ten (10), or more feet apart and distance from power lines.
 - b. trees spaced so trunks are twenty (20), or more feet from other trees.
 - c. tree branches below six (6), or more, feet **shall** be pruned and removed.
 - d. household and other debris, brush, ground fuels (leaves and pine needles) removed.
- B. At minimum of ten (10) feet **shall** be between each **structure**, firewood storage pile, fuel storage, and storage of other flammable items; or **shall** be situated outside of the secondary fire-defensible space.
- C. Chimneys and flues **shall** be provided with an approved spark arrester made of 12-gauge welded or woven wire mesh with holes no larger than ½ inch. A ten (10) foot secondary fire-defensible space **shall** be established on all sides of each chimney, flue, grille or similar **structure**.
- D. In addition to requirements of P.A. 230 of 1972, as amended, (being the Stille-Derossett-Hale Single State Construction Code Act of 1972, M.C.L. 125.1501 *et seq.*) the following design features are recommended:
 1. Roofs are designed and constructed to minimize the possibility of ignition from a wildfire and to minimize the spread of a structural fire to the wildland by use of National Fire Protection Association class A standards (metal, fiberglass shingle, clay, or tile).
 2. Exterior walls are constructed of at least ½ inch sheathing or an equivalent material. Exterior sheathing **shall** extend from the roof line to ground level. Preferred siding should be non-flammable materials (such as brick, stone, stucco, or metal).
 3. Foundations, crawl spaces enclosures, space under **mobile homes**; areas under porches, decks, or similar areas are provided with full enclosure skirting constructed of ½ inch nominal sheathing or the equivalent and made of non-combustible material (such as metal, block, cement, stone, stucco). Crawl spaces which have vents through the foundation and other similar openings are enclosed with metal screening with less than ⅛ inch openings.
 4. Vents, eaves, fascias, soffits and other similar openings are enclosed with metal screening with less than ⅛ inch openings.
 5. Windows are double pane glass. All windows, window wells in the foundation wall, and glazed openings within thirty (30) feet of concentrations of vegetative fuels should be provided with closeable, solid, exterior shutters, especially in areas of highly hazardous fuels, such as pine or spruce. Window wells in the foundation are enclosed with fire-resistant screening or other fire-resistant material to prevent collection of flammable debris in the window well.
 6. Space under decks are enclosed with fire-resistant screening or other fire-resistant material to prevent collection of flammable debris under the deck.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

105. Vehicle Access/Roads/Parking

1050. Driveway Design

Driveways, unless specified otherwise elsewhere in this Ordinance:

- A. **shall** have a minimum unobstructed width of twelve (12) feet and a minimum unobstructed height of fourteen (14) feet. Driveways over two hundred (200) feet long **shall** have a turnaround within fifty (50) feet of the principle **structure**.
- B. gates **shall** open inward, with a clear opening which is two (2) feet wider than the driveway, and located thirty (30), or more, feet from the road or **private road right-of-way**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- C. **shall** have at the foot of the driveway an address number displayed on a **sign** or mail box in compliance with the County Address Ordinance.

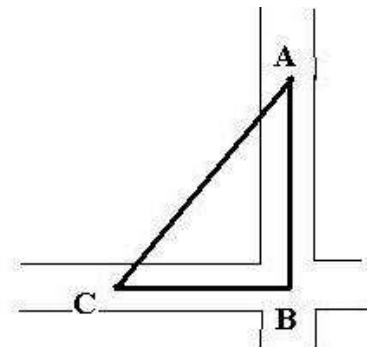
1051. Private Road

Every **private road** which provides or may provide access to and from a public road for three (3) or more **Dwelling** units or principal **buildings** on separately owned **parcels shall** meet the following conditions:

- A. All **private roads shall** be established by recorded conveyance, **shall** be not less than sixty-six (66) feet wide and **shall** be constructed ~~in a good and workmanlike manner~~ to standards for unimproved county road construction adopted by the Lake County Road Commission.
- B. Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage by such means as two foot deep ditches constructed parallel to and on either side of the **private road**, or by use of curb and gutter with a storm sewer system; and by sloping the sides of the **private road** from the center thereof, or by other effective methods.
- C. Be constructed by standards as exist or may be adopted by the Lake County Road Commission for unimproved county roads.
- D. Each **private road shall** be named in conformance with the Lake County Address Ordinance. Approval of the name(s) **shall** be obtained in writing from the county.
- E. Road name **signs shall** be placed at each intersection of private and/or public roads using the same materials and design **sign** for road name **signs** by Lake County Road Commission.

1052. Traffic Visibility at Corners

A. No **use, structure** or plant material, such as **parking spaces, fences, signs, berms, hedges,** or planting of shrubs, which obstructs safe vision at a road corner, **shall** be located, erected or maintained within a triangular area defined as ABC in the drawing at the right. Line AB **shall** be at the centerline road right of way and its length **shall** be determined from the table in **Section 1052.B** of this Ordinance based on the speed limit for the road which parallels line AB. Line BC **shall** be at the centerline road right of way and its length **shall** be determined from the table in **Section 1052.B** of this Ordinance based on the speed limit for the road which parallels line BC. The third line, AC, is the **setback line**.



B. The distance between point "A" to point "B" and between point "C" to point "B" **shall** be forty five (45) feet.

C. The **setbacks** required in this **Section** may be modified by the **Appeals Board** based on geometric design and other traffic controls at the particular intersection and only after consultation with a traffic engineer, Lake County Road Commission or other qualified professional.

1053. Vehicular Parking Space, Access and Lighting

A. For each principal **building** or establishment hereafter erected or **altered** and located on a public road in any land **use** district, including **buildings** and **structures used** principally as a place of public assembly, there **shall** be provided and maintained suitable space off the public **right-of-way** which is adequate for the parking or loading of motor vehicles in the proportions shown below. The **parking spaces** called for hereunder **shall** be considered minimum requirements under this Ordinance and in the case of more than one **use** on a **parcel**, the minimum **shall** be the sum of the required parking for each **use**:

- 1. **Dwellings, Duplexes and apartment buildings:** Two (2) **parking spaces** for each **Dwelling** unit occupying the premises.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

2. Nursing & Residential Care Facilities, Hospitals: Institutions of a Similar Nature: One (1) **parking space** for each four (4) beds, plus one (1) space for each doctor.
3. Accommodation: One (1) **parking space** for every three (3) spaces of legal sleeping capacity.
4. Motion Picture Theaters; Arts, Entertainment & Recreation; Religious/Grantmaking/Professional-Like organization’s halls; Public Administration halls/meeting centers; Theaters; Auditoriums and any other places of public assembly: One (1) **parking space** for each four (4) seats of legal capacity.
5. Offices; Finance, Insurance; Real Estate; Professional, Scientific & Technical Services; Management of Companies & Enterprises; Administration & Support Services; Ambulatory Health Care Services; Social Assistance; Public Administration: One (1) **parking space** for every two hundred (200) square feet of **floor area**; provided, however, that doctors' offices and clinics **shall** be provided with three (3) spaces for each doctor.
6. Food Services and Drinking Places: One (1) **parking space** for each three (3) seats of legal capacity.
7. Any other Retail Trade: One (1) **parking space** for each one hundred (100) square feet of **floor area**.
8. Any other; Educational Services; Other Services; Public Administration: One (1) **parking space** for each two hundred (200) square feet of **floor area**.

B. In addition to the above requirements, **parking space** in the proportion of one (1) space for every two (2) persons employed at the establishment **shall** be provided. Where no specific requirement is designated for other businesses, **parking space** which is adequate **shall** be provided. Adequacy of parking **shall** be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in Section 1053.A. The **Administrator shall** establish the number of **parking spaces** required in the Land Use Permit.

C. A **parking space shall** be a minimum area as follows:

ANGLE	SPECIFICATION
76 to 90 Degree	10 x 20 feet with 26 feet wide aisle for 2-way traffic or 18 feet for single-loaded 1-way aisle.
30 to 75 Degree	9.5 x 21 feet with 24 feet wide aisle for 2-way traffic or 15 feet for single-loaded 1-way aisle.
Parallel Parking	9 x 25 feet with a 3 feet area striped for "No Parking" between each two spaces, and 22 feet for 2-way traffic aisle or 15 feet wide for 1-way aisle.

D. Parking **shall** be located in the side or rear yard(s), not in the front yard or waterfront yard.

E. Any light source in or around the parking lot **shall** be shaded so there is not a direct line of sight to the filament, or light bulb from anywhere off of the parking area. The area to be illuminated **shall** be directed toward the parking area and pedestrian walks between the parking area and principal use. Lighting **shall** be a low intensity to avoid light cast, glare, or illumination beyond the parking area.

F. Approval for location of all exits and entrances **shall** be obtained from the Lake County Road Commission for all roads. Such approval **shall** also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.

G. Collective Parking Arrangements: Except for single-family detached housing units, two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

spaces for the **uses** calculated individually may be reduced by up to ten percent (10%) if a signed agreement is provided by the property owners, and the **Administrator**, after site plan review, determines that the peak usage will occur at different periods of the day. The agreement **shall** be recorded by the applicant with the Lake County Register of Deeds, **shall** run with the land and not the property owners or **uses** of record, and **shall** only be modified by consent of the **Commission**

H. More Than One Use on Premises: Where two or more **uses** exist on the premises, parking requirements **shall** be calculated for each **use**, unless specifically provided otherwise herein.

I. In addition to the above requirements, **parking space** in the proportion of one (1) space for every one (1) **persons** employed at the establishment **shall** be provided. Where no specific requirement is designated for other businesses, **parking space** which is adequate **shall** be provided. Adequacy of parking **shall** be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in **Section** 1053.A. The **Administrator shall** establish the number of **parking spaces** required in the Land Use Permit, and **shall** be rounded up to the next whole number.

J. The maximum number of **parking spaces shall** not be more than 1.5 times the minimum number calculated from this **Section** located on an impervious surface (concrete, brick, asphalt, gravel, and similar surfaces) but in no case **shall** there be more **parking spaces** than 2 times the minimum number calculated from this **Section**. Any **parking spaces** which are more than 1.5 times the minimum number calculated from this **Section shall** be located on a surface designed to be pervious and which allows surface water to flow through it into the ground underneath it.

K. Deferred Parking: If an applicant claims that fewer **parking spaces** are needed than required in this Ordinance, the **Commission** may defer a certain number of **parking spaces** if the following conditions are met:

1. The site plan shows the deferred **parking spaces**, which together with the other **parking spaces** shown on the site plan and built would equal or exceed the number of **parking spaces** required in this Ordinance;
2. The area of the deferred **parking spaces** remain as open space so that those **parking spaces** can be constructed; and
3. The area of the deferred **parking spaces** is accessible by service road or being adjacent to the parking area which is being constructed.

If the **Administrator** finds lack of parking at the site becomes a problem, the **Administrator shall** require the deferred parking be constructed as parking on the site. The property owner may request some or all of the deferred parking be constructed as parking on the site.

L. Parking areas required under this **Section**, and publicly owned parking lots, **shall** not be **used** for the storage or continuous parking of recreational vehicles, **trailers**, motor vehicles without a current license plate, and **junk** for more than a twenty-four (24) hour period.

106. Aesthetics, Signs

1060. Signs

A. Purpose: The number, placement, and size of **signs** are found to be distracting to motorists and pedestrians and can create a traffic hazard. The number, placement, and size of **signs** are found to reduce the effectiveness of **signs** needed to direct the public. The number, placement, and size of **signs** are found to mar the appearance of the landscape, night sky, and rural character of the **Township** upon which economic and tourist prosperity partly depends upon. The provisions of this **Section** are intended to apply the minimum amount of regulation in order to avoid these problems. To that end in this **Section**:

1. All the basic needs of **signs** for wayfinding, instruction, and identification is provided for; while also

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

2. Preserving the community aesthetic created by good building design, rural character and design of public spaces such as road rights-of-way, parks, squares, beaches, etc.; as well as
3. Preventing traffic problems from **sign** clutter, poorly constructed or maintained **signs**, and **signs** that are improperly located.

B. The intent is for **sign** regulations to be content neutral for all **signs**. No **sign** may be erected unless it is expressly authorized by, or expressly exempted from, this ordinance. A maximum amount of **sign** area and number of **signs** is allowed per **parcel**. Different **sign** areas are allowed in different zoning districts and additional regulations. Any **sign** authorized by this ordinance may substitute its current message with any commercial, non-commercial, or other message, without further permit or approval under this Ordinance, so long as messages do not regularly change at a frequency of more than once per two week period.

C. **Sign Regulation Table.**

1. The following **signs** are not regulated by this Ordinance and not included in calculating the total number of **signs** or sum of the area of **signs** in the application of this table.
 - a. Any **sign** less than one square foot in size.
 - b. Any **sign** not visible to anyone on any road, alley, **water body**, public lands, or adjacent **parcels**.
 - c. Any **sign** which is required under authority of this Ordinance; site plan approval; any statute; or a **sign** located within a road, street, or highway **right-of-way** that is owned and maintained by any county, city, village road agency, Michigan Department of Transportation; and any legal postings required by law.
 - d. Any **sign** inside a **structure**, regardless if it can be seen through a window from the outside of the **structure** or not.
 - e. Flags, community and public art, holiday decorations.

Zoning District		Maximum Number of Signs	Total Sign Area Allowed	Maximum height of signs	Sign structure type
Special area districts	Wetland Conservation District	Six (6)	12 square feet	Four feet	Mounted Posted
Rural and working lands districts	Working Lands District	Up to nine (9)	Up to twenty five (25) square feet in area.	The tallest structure on the parcel or ten (10) feet, whichever is less.	Mounted Ground Wall Portable Posted
	Rural Residential District	Up to nine (9)			
Residential districts	Residential district	Up to six (6)	Up to ten (10) square feet in area.	The tallest structure on the parcel or ten (10) feet, whichever is less.	Mounted Ground Surface Posted
	Lakefront Residential district	Up to six (6)			

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

Zoning District		Maximum Number of Signs	Total Sign Area Allowed	Maximum height of signs	Sign structure type
Commercial districts	Commercial District	Up to fifteen (15)	Up to 32 square feet in area, twenty percent (20%) of the wall area, nor twenty percent (20%) of the height of the side of the building , whichever is greater.	The tallest structure on the parcel or fifteen (15) feet, whichever is less.	Mounted Ground Pole Wall Rooftop Portable
Overlay Districts	all	Same as the underlying district	Same as the underlying district		

D. Discontinued Or New Zoning Districts: If any zone is discontinued from this Ordinance or if a new zone is created no **signs shall** be permitted herein until this Ordinance is amended to include such zone(s) in the above table and all permitted **signs** are specified therein.

E. Construction: All **signs** must be maintained in good condition and repair. A **sign** must be constructed in such a fashion that it will comply with P.A. 230 of 1972, as amended, (being the Stille-Derossett-Hale Single State Construction Code Act of 1972, M.C.L. 125.1501 et seq.). A **sign** must be maintained so as to assure proper alignment of **structure**, continued structural soundness, and continued readability of message.

F. **sign** removal: Once the purpose of the **sign** has ended, ceases to exist or is over the **sign(s) shall** be removed within 14 calendar days. Anything formerly used to support or provide a **structure** for a **sign**, and not in use for any other purpose **shall** be removed. **signs** which are damaged, structurally unsound, has chipped paint, has rust, cracking or damaged lettering, and other forms of damage or wear **shall** be removed or repaired.

G. Illumination: Except as provided for here, **signs shall** not be internally illuminated. Illuminated **signs shall** be lit by use of a light shining downward onto the **sign**. The source of the light **shall** be baffled so it is not visible to automobile or pedestrians on any road, alley, **water body**, public lands, adjacent **parcels** or in the air above the illumination.

H. Maximum illumination of any **sign** of any type of **sign shall** not have more than 125 nits (brightness of 125 candela per square meter (cd/m²)) during nighttime (sun below the horizon) and not more than 3,500 nits during the day (sun above the horizon).

I. Off Premises **signs**: An off-premises **sign shall** be limited to:

1. One **sign** per **parcel**;
2. One additional **sign** for multiple businesses developed by a single organization (such as a business association, chamber of commerce, or other similar organization) or a governmental agency.

Off Premises **signs** which meet the above conditions **shall** be permitted in any zoning district established by this Ordinance, if Off Premises **signs** are listed as a permitted **use** or special **use** in that district.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

1061.Outside Lights

A. All outdoor lighting fixtures including, but not limited to, pole mounted or **building** mounted **yard** lights, dock lights, and shoreline lights other than decorative residential lighting such as porch or low level lawn lights **shall** be subject to the following regulations:

1. Lighting **shall** be designed and constructed in such a manner to:
 - a. Insure that direct or directly reflected light is confined to the area needing it and that it is not directed off the property.
 - b. That all light sources and light lenses are shielded.
 - c. That any light sources or light lenses over 2,000 lumens (about 583 nits) are not directly visible from beyond the boundary of the site.
 [Annotation: Examples of lights that are under 2,000 lumens are a 100 watt incandescent bulb, 15 Watt fluorescent, 18 Watt low pressure sodium. Wisc. model ordinance suggests a maximum of 5,500 lumens per parcel. One nit is approximately equal to 3.426 lumens.]
 - d. That light from any illuminated source **shall** be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding areas.
2. Lighting fixtures **shall** be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by photometric test.
3. Unless otherwise approved by the **Commission**, light sources **shall** not be higher than 3,000 on the kelvin scale.
4. Lighting designed to illuminate outdoor areas (such as but not limited to parking, recreation, amusement, loading and unloading areas; **yard**; and general security lighting) **shall** be equipped with baffling or other devices to assure that the above requirements are achieved. The light rays may not be emitted by the installed fixture at angles so that the ray extends beyond the property boundary, as may be certified by photometric test.
5. There **shall** be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon lights are not permitted.
6. No colored lights **shall** be used at any location or in any manner so as to be confused with or construed as traffic control devices.

B. Any **person** may submit a written request, on a provided form, to the **Administrator** for a temporary exemptions from these outdoor lighting requirements. The request for a temporary exemption **shall** contain the following information:

1. Specific exemption(s) requested.
2. Type and use of outdoor light fixture involved.
3. Duration of time for requested exemption.
4. Type of lamp(s) and calculated lumens.
5. Total wattage of lamp(s).
6. Proposed location on premises of the outdoor light fixture(s)
7. Previous temporary exemptions, if any, and addresses of the premises thereunder.
8. Physical size of outdoor light fixture(s) and type of shielding provided.
9. Such other data and information as may be required by the **Administrator**.

C. This **Section** does not apply to **outdoor light fixtures** placed by a government agency for purposes of traffic control and safety. This **Section** does not apply to street lights along a public **right-of-way** which are paid for by a government agency.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

1062. Landscaping standards

A. In addition to Site Plan requirements in **Section 9401 et seq.** of this Ordinance, a site plan in all commercial and industrial districts for a commercial or industrial land **uses shall** also show and/or comply with the following:

1. The site plan **shall** show use of trees, bushes, shrubs, large boulders, and other elements on each side, front and rear **yard**, either by preserving such plants which exist prior to development as a first priority or by planting, planting more, upon completing construction. The following plants **shall** be the preferred landscaping materials. No planting **shall** include any plant materials listed in Michigan as invasive species.
 - a. Northwood Red Maple (*Acer rubrum* “northwood”) with a minimum size of 60 mm (2½ inches) diameter trunk measured 150 mm (6 inches) above the ground.
 - b. Commemoration Sugar Maple (*Accer saccharum* “commemoration”) with a minimum size of 60 mm (2½ inches) diameter trunk measured 150 mm (6 inches) above the ground.
 - c. Green Mountain Sugar Maple (*Acer saccharum* “Green Mountain”) with a minimum size of 60 mm (2½ inches) diameter trunk measured 150 mm (6 inches) above the ground.
 - d. Autumn Applause White Ash (*Fraxinus americana* “Autumn Applause”) with a minimum size of 60 mm (2½ inches) diameter trunk measured 150 mm (6 inches) above the ground.
 - e. Red Oak (*Quercus rubra*) with a minimum size of 60 mm (2½ inches) diameter trunk measured 150 mm (6 inches) above the ground.
2. Amur Maple (*Acer ginnala* bush form) with a minimum size of 1,250 mm (4 feet) canopy spread.
 - a. Juneberry (*Amelanchier canadensis*) with a minimum size of 1,250 mm (4 feet) canopy spread.
 - b. Sassafras (*Sassafras albidum*) with a minimum size of 900 mm (3 feet) canopy spread.
 - c. Common Witch Hazel (*Hamamelis virginiana*) with a minimum size of 1,250 mm (4 feet) canopy spread.
 - d. Fragrant Sumac (*Rhus aromatica*) with a minimum size of 600 mm (2 feet) canopy spread.
 - e. White Spruce (*Picea glauca*) with a minimum size of 1,250 mm (4 feet) canopy spread.
 - f. Colorado (Blue) Spruce (*Picea pungens*) with a minimum size of 1,250 mm (4 feet) canopy spread.
 - g. White Pine (*Pinus strobus*) with a minimum size of 1,250 mm (4 feet) canopy spread.
 - h. Russian Sage (*Perovskia atriplicifolia*) with a minimum of a two year old plant in a number two container.
 - i. Purple Coneflower (*Echinacea purpurea*) with a minimum of a two year old plant in a number two container.
 - j. Black Eyed Susan (*Rudbeckia fulgida*) with a minimum of a two year old plant in a number two container.
 - k. Dwarf Fountain Grass (*Pennisetum alopecuroides* “Hamlen”) with a minimum of a two year old plant in a number two container.
 - l. Perennial Sweet Pea (*Lathyrus latifolia*) with a minimum with a minimum size of 56 mm (2¼ inches) diameter trunk 150 mm (6 inches) measured above the ground, potted.
 - m. Any species which is indigenous to this area and may be transplanted from within the **parcel** or another **parcel** with approval of the **Commission**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

107. Structure Regulations

1070. Height

No **building** or **structure** or part thereof **shall** be erected or **altered** to a **building height** exceeding thirty (30) feet, except

- A. Appendages to **structures** which are ornamental in purpose, such as church steeples, belfries, cupolas, domes, towers and flag poles so long as ~~such~~ appendages to **structures** do not exceed twenty (20) percent of the roof area.
- B. Appendages to **structures** relating to its mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, antennas and their towers.
- C. Commercial free-standing towers, such as radio television, telephone antennas and their towers.

Any **building** or **structure** or part thereof may be erected or **altered** to any **building height** if approved by the **Appeals Board**, pursuant to its power to grant **variances**. This **Section** does not apply to radio, television antenna systems.

1071. Temporary Dwellings

A. No **person shall use** or permit the **use** of any temporary dwelling or "**trailer**" as defined in this Ordinance as a principal or seasonal dwelling on any site, **lot**, field, **parcel** or tract of land, except by zoning permit:

- 1. As temporary quarters during the construction and installation of a **Dwelling** conforming to **Section 1080** of this Ordinance when the following conditions are met:
 - a. The location of the temporary dwelling or **trailer shall** comply with all **setback** requirements of this Ordinance.
 - b. The use of the temporary dwelling or **trailer shall** not be contrary to the public health, safety or welfare.
 - c. The use of the temporary dwelling or **trailer shall** be limited to twelve (12) months beginning with the issuance of a permit. The permit may be renewed for not more than twelve (12) months at a time upon approval of the **Administrator** for good cause shown.
- 2. As part of a **campground** licensed by the Michigan Department of Public Health.
- 3. As temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen on public land where such activity is allowed by state or federal regulations
- 4. As temporary recreation on a non-commercial/no rental basis by tourists, campers and sportsmen on one's own land if the **parcel** is within the Wetland Conservation, Forest Conservation, or Rural Residential zoning district and complies with the Lake County Health Code.
- 5. Storage of temporary dwellings, recreational vehicles, **trailers**, etc. on one's own land **shall** be allowed, without permit, within the Wetland Conservation, Forest Conservation, or Rural Residential zoning district.
- 6. Storage of temporary dwellings, recreational vehicles, **trailers**, etc. on one's own land in all residential and commercial districts **shall** met the following conditions:
 - a. only be on a **parcel** on which exists a principal **Dwelling** and;
 - b. inside a building or in the rear or side **yard** of the owner's **Dwelling**; and
 - c. set back the required distance for the respective land **use** district, unless stored on a gravel or paved driveway; and
 - d. screened from view from the side and front **property line**.
- 7. Unoccupied parking or storage of temporary dwellings on a road or front **yard** is prohibited.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

1072. Location of Accessory Buildings and Structures

- A. All **accessory buildings** and **structures** shall be in the front **yard**, side **yard**, or rear **yard**, except when built as part of the main **building**. An **accessory building** shall not be in the water front **yard**.
- B. An **accessory building** attached to the principal **building** of a **parcel** shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal **building**.
- C. An **accessory building** or **structure**, unless connected with a roof at least four (4) feet wide attached and made part of the principal **building** as provided, shall not be closer than ten (10) feet to the principal **building**, and shall meet all **setback** requirements of the district in which it is to be erected, moved, **altered** or **used**.
- D. No **accessory building** in residential zoning districts shall be larger than the square feet of the principal **building**.

1073. Communication Tower Facilities (Permitted Use)

- A. Wireless Communication Facilities may locate in any zoning district, as a permitted **use**, if:
 1. located on an **existing building** or **structure**, or is otherwise hidden from view by being incorporated in an **existing building**, or if it co-locates on an existing tower where the proposed **height** does not increase the **height** of the tower more than 20 feet or 10% of its **height** of its initial approval, whichever is greater, and
 2. it does not increase the width of the **building, structure**, existing tower more than an 20 foot extension to the side of its initial approval width, and
 3. it does not increase the area of the existing equipment compound to more than 2,500 square feet and not more than four additional cabinets that what was allowed upon initial approval, and
 4. complies with any conditions of final approval for the initial **building, structure**, existing tower, and
 5. it is removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer **used**).
 6. it is so constructed and placed that there is no danger of the **structure** falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.
- B. Any other private or individual television/radio reception tower shall be so constructed and placed that there is no danger of the **structure** falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.
- C. Action on a permit application shall take place within 14 days of a complete application being received with a fee (that is less than \$1,000) and such action shall not include any consideration of health impacts or concerns of radio frequency emissions if such emissions comply with FCC regulations on emissions, or property value concerns not documented by expert testimony and study done specifically for the site and area.
- D. Wireless Communication Facilities that do not meet the standards in this **Section** might be permitted as a special **use**, subject to the standards contained in this Ordinance, included by not limited to **Section** 1605 of this Ordinance.

1074. On-site Use Wind Energy Systems and Anemometer Tower

An **on-site wind energy system** is an **accessory use** which shall meet the following standards:

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

- A. Designed to primarily serve the needs of a home, **agriculture**, or small business and to test or monitor. If it is to test wind or other environmental conditions in the area for a period not to exceed 3 years from the date the permit is issued.
- B. **height:** Total **height** for **on-site wind energy system** shall not exceed 120 feet.
- C. On-Site System Exception: **On-site wind energy system** mounted to existing **structures** (such as a roof or pole) that extend 10 feet or less above the highest point of the **structure** are exempt from this zoning ordinance.
- D. Property **setback:** The horizontal distance between the base of an **on-site wind energy system** and the owner's **property lines** shall be no less than 1.1 times **height**. No part of the **wind energy system structure**, including guy wire anchors, may extend closer than 25 feet to the owner's **property lines**, or the distance of the required **setback** in the respective zoning district, whichever results in a greater **setback**.
- E. Construction Codes, Towers, and Interconnection Standards: **On-site wind energy system** towers shall comply with all applicable state construction and electrical codes and local building permit requirements. An interconnected **on-site wind energy system** shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
- F. Aviation and Airports: Where applicable, **on-site wind energy system** shall comply with Federal Aviation Administration requirements, the **Zoning Act**, the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations.
- G. Safety: An **on-site wind energy system** shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a **height** of at least six feet above the guy wire anchors.
- H. Ground Clearance: The minimum vertical blade tip clearance from grade shall be 20 feet for a **horizontal axis wind turbine**. **Vertical axis wind turbines** are exempt from this ground clearance provision, but sufficient clearance should be maintained for the safety of people, **animals**, machinery, or others that may traverse under or near the vertical turbine.

1075. Temporary Towers (temporary anemometers for wind testing, wildlife testing towers)

- A. **height:** Temporary anemometers or other temporary testing towers (such as for bat studies) shall not exceed 200 feet.
- B. **setback:** The horizontal distance between the base of a temporary **anemometer tower** and the owner's **property lines** shall be no less than 1.1 times **height**. No part of the tower **structure**, including guy wire anchors, may extend closer than 25 feet to the owner's **property lines**, or the distance of the required **setback** in the respective zoning district, whichever results in a greater **setback**.
- C. Construction Codes, Towers, and Interconnection Standards: Temporary towers shall comply with all applicable state construction and electrical codes.
- D. Aviation and Airports: Where applicable, temporary anemometers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations.
- E. Performance Guarantee: The **Commission** shall obtain a performance guarantee for a temporary anemometer or other temporary tower in an amount sufficient to guarantee removal of the tower at the end of three years. The performance guarantee shall be obtained in compliance with **Section** 9415 of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

1076. Roof-Mounted Solar Energy System, Ground-Mounted Solar Energy System, and Building-Integrated Solar Energy System

Roof-Mounted Solar Energy System, Accessory Ground-Mounted Solar Energy System, and Building-Integrated Solar Energy System are permitted in all zoning districts where **structures** of any sort are allowed, and **shall** meet the following requirements:

- A. **Roof-Mounted Solar Energy System**
 - 1. Height: **Roof-Mounted Solar Energy System** shall not exceed five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
 - 2. Nonconformities: A **Roof-Mounted Solar Energy System** or **Building-Integrated Solar Energy System** installed on a **nonconforming** structure, or **use shall** not be considered an expansion of the nonconformity.
 - 3. Application: All **Solar Energy System** applications must include site plan. Applications for **Roof-Mounted Solar Energy System** must include horizontal and vertical elevation drawings that show the location and height of the **Solar Energy System** on the **building** and dimensions of the **Solar Energy System**.
- B. **Accessory Ground-Mounted Solar Energy System**
 - 1. Height: **Ground-Mounted Solar Energy System** shall not exceed 25 feet measured from the ground to the top of the system when oriented at **Maximum Tilt**.
 - 2. **Setbacks**: A **Ground-Mounted Solar Energy System** must be a minimum of three feet plus the height of the **Solar Energy System** from from the **property line** or ½ the required **setback** that would apply to **accessory structures** in the side or rear **yard** in the respective zoning district, whichever is greater. **Setback** distance is measured from the **property line** to the closest point of the **Solar Energy System** at **Minimum Tilt**.
 - 3. **Parcel Coverage**: The area of the **Solar Array** shall not exceed 50% of the square footage of the primary **building** of the property unless it is sited over required parking (i.e. **Solar Carport**), in which case there is no maximum **parcel** coverage for the **Ground-Mounted Solar Energy System**. A **Ground-Mounted Solar Energy System** shall not count towards the maximum number or square footage of **accessory structures** allowed on site or maximum impervious surface area limits if the ground under the array is pervious.
 - 4. Visibility (Residential): A **Ground-Mounted Solar Energy System** in residential districts (Residential R-1 and New Residential R-2) shall be located in the side or rear **yard** to minimize visual impacts from the public **right-of-way(s)**.
 - a. **Ground-Mounted Solar Energy System** may be placed in the front **yard** with administrative approval, where the applicant can demonstrate that placement of the **Solar Energy System** in the rear or side **yard** will:
 - (1) Decrease the efficiency of the **Solar Energy System** due to topography, **accessory structures**, or vegetative shading from the subject **parcel** or adjoining **parcels**; or
 - (2) Interfere with septic system, **accessory structures**, or **accessory uses**.
 - 5. Exemptions: A **Solar Energy System** used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump or other similar singular device is exempt from **Section 45**.
 - 6. Nonconformities: A **Ground-Mounted Solar Energy System** installed on a **nonconforming parcel** or **use shall** not be considered an expansion of the nonconformity.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

7. Application: All **Solar Energy System** applications must include a site plan. Applications for **Ground-Mounted Solar Energy System** must include drawings that show the location of the system on the property, height, tilt features (if applicable), the primary **structure, accessory structures, and setbacks to property lines**. **Accessory use** applications that meet the ordinance requirements **shall** be granted administrative approval.
- C. **Building-Integrated Solar Energy System**
 1. **Building-Integrated Solar Energy System** are subject only to zoning regulations applicable to the **structure or building** and not subject to accessory ground or **Roof-Mounted Solar Energy System** permits.
- D. **Small Principal-Use Solar Energy System**: A **Small Principal-Use Solar Energy System** is a permitted use in all non-residential zoning districts (Wetland Conservation, Forest Production, Rural Residential, and Commercial) subject to site plan review and **shall** meet all of the following requirements:
 1. Height: Total height **shall** not exceed 20 feet measured from the ground to the top of the system when oriented at **Maximum Tilt**.
 2. **Setbacks**: **Setback** distance **shall** be measured from the **property line or road and private road right-of-way** to the closest point of the **Solar Array** at **Minimum Tilt** or any **Solar Energy System** components and as follows:
 - a. A **Ground-Mounted Solar Energy System** **shall** follow the **setback** distance for primary **buildings or structures** for the district in which it is sited.
 - b. A **Ground-Mounted Solar Energy System** is not subject to **property line setbacks** for common **property lines** of two or more **Participating Parcels**, except **road and private road right-of-way setbacks** **shall** apply.
 3. **Fencing**: A **Small Principal-Use Solar Energy System** may be secured with perimeter **fencing** to restrict unauthorized access. If installed, perimeter **fencing** **shall** be a maximum of eight feet in height. Barbed wire is prohibited. **Fencing** is not subject to **setbacks**.
 4. Screening/Landscaping: A **Small Principal-Use Solar Energy System** **shall** be designed to follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping **shall** be placed outside the perimeter **fencing**.
 - a. In districts that call for screening or landscaping along rear or side **property lines**, these **shall** only be required where an adjoining **Non-Participating Parcel** has an existing **housing unit** or public use.
 - b. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the Zoning **Administrator** may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing **housing unit uses** on **non-participating parcels**.
 - c. The Administrator may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance and is appropriately documented (e.g. abutting **Participating Parcels**; existing vegetation).
 - d. Screening/landscaping detail **shall** be submitted as part of the site plan that identifies the type and extent of screening for a **Small Principal-Use Solar Energy System**, which may include plantings, strategic use of berms, and/or **fencing**.
 5. Ground Cover: A **Small Principal-Use Solar Energy System** **shall** include the installation of perennial ground cover vegetation maintained for the duration of operation until the site is

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- decommissioned. The applicant **shall** include a ground cover vegetation establishment and management plan as part of the site plan.
- a. An **Solar Energy System** utilizing agrivoltaics is exempt from perennial ground cover requirements for the portion of the site employing the dual-use practice.
 - b. Project sites with majority existing impervious surface or those that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, are exempt from ground cover requirements. These sites must comply with the on-site stormwater requirements of the ordinance.
6. **Parcel Coverage:** A **Small Principal-Use Solar Energy System shall** not count towards the maximum **parcel** coverage or impervious surface standards for the district.
 7. **Land Clearing:** Land disturbance or clearing **shall** be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property **shall** be retained on site.
 8. **Access Drives:** New access drives within the **Solar Energy System shall** be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the **Solar Energy System** is permitted, provided that the geotextile fabrics and gravel are removed once the **Solar Energy System** is in operation.
 9. **Wiring:** **Solar Energy System** wiring (including communication lines) **shall** be buried underground.
 10. **Lighting:** Lighting **shall** be limited to inverter and/or substation locations only. Light fixtures **shall** have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
 11. **Signage:** **Signs shall** comply with **Section 1060** of this Ordinance.
 12. **Sound:** Amount of noise **shall** comply with **Section 1032** of this Ordinance.
 13. **Repowering:** In addition to repairing or replacing **Solar Energy System** components to maintain the system, a **Small Principal-Use Solar Energy System** may at any time be repowered by reconfiguring, renovating, or replacing the **Solar Energy System** to increase the power rating within the existing project footprint.
 - a. A proposal to change the project footprint of an existing **Solar Energy System shall** be considered a new application, subject to the ordinance standards at the time of the request.
 14. **Decommissioning:** Upon application, a decommissioning plan **shall** be submitted indicating the anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, **fencing**), or restored for viable reuse of the property consistent with the zoning district.
 - a. An **Solar Energy System** owner may at any time:
 - (1) Proceed with the decommissioning plan approved by the Zoning **Administrator** under **Section 9400 et seq.** and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with **Administrator** approval and proceed according to the revised plan.
 - b. Decommissioning an **Solar Energy System** must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. An

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

Solar Energy System that has not produced electrical energy for 12 consecutive months **shall** prompt an abandonment hearing.

108. Dwelling/Residential Standards

1080. Dwellings

No **person shall** use, occupy, permit the use or occupancy of a **structure** as a **Dwelling**, or **Duplex**, which does not comply with **Dwelling** standards of this Ordinance, or standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any district, except in a designated **mobile home park**, and except as hereinafter provided. All **Dwelling structures shall** comply with the following minimum standards:

A. No **Dwelling** or **Duplex shall** hereinafter be erected which **shall** have less than the minimum square footage and minimum width required in each respective zoning district, exclusive of porches, and other add-ons, unless it is licensed solely for the use of seasonal or migrant agricultural workers, in which case it **shall** comply with all requirements of such licenser.

B. **Dwelling** or **Duplex shall** comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being M.C.L. 125.1501 *et. seq.*, including minimum heights for habitable rooms. Where a **dwelling** is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan building code, then and in that event such federal or state standard or regulation **shall** apply. In addition, it **shall** comply with the following:

1. Foundations: It **shall** be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and **shall** have the same perimeter dimensions of the **dwelling**, except cantilevers, and constructed of such materials and type as required in the said State Construction Code for **dwellings**, or, in the case of **mobile homes**, that **dwelling shall** be installed pursuant to the manufacturer's set-up instructions and **shall** be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and **shall** not have any exposed towing mechanism, undercarriage or chassis;
2. Framing, structural, insulation **shall** comply with the said State Construction Code, or in the case of **mobile homes**, **shall** comply with the "**mobile home** construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same;
3. Final finished; **shall** comply with the said State Construction Code.

C. The **dwelling** complies with all pertinent building and fire codes. In the case of a **mobile home**, all construction and all plumbing, electrical apparatus and insulation within and connected to said **mobile home shall** be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all **dwellings shall** meet or exceed all applicable roof snow load and strength requirements.

D. Every **dwelling** hereinafter erected **shall** have a roof slope of at least an average three (3) feet, or greater, vertical rise for each seven (7) feet horizontal distance. In no case, however, **shall** the vertical distance be less than the manufacturer's recommendation for the shingles used on the roof. The **Appeals Board** may grant a **variance** to slope requirements here, **Section** 9603.A notwithstanding, if compatible architecturally with the existing neighborhood.

E. It **shall** contain only additions or rooms or other areas which are constructed with similar quality workmanship as the original **structure**. Further, it **shall** include permanent attachment to the principal **structure** as long as such attachment does not include a bearing load on a **mobile home**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

F. The **dwelling** contains a storage capability area in a basement located under the **dwelling**, in an attic area, in closet areas, or in a separate **structure** of standard construction similar to or of better quality than the principal **Dwelling**, which storage area **shall** be equal to ten (10) percent of the square footage of the **dwelling** or one hundred (100) square feet, whichever **shall** be less.

G. The foregoing standards **shall** not apply to a **mobile home** located in a licensed **mobile home park** except to the extent required by State or Federal law or otherwise specifically required in this Ordinance pertaining to such parks.

H. All construction required by this **Section** are commenced only after a construction permit has been obtained in accordance with the applicable construction code provisions and requirements.

1081. Second Dwelling on a Parcel

A. This Ordinance does not permit a second **dwelling** or principal **use** on a **parcel**, as a first priority. However, under certain circumstances the purpose of this **Section** is to provide for placement of a second **dwelling** on a **parcel**, that would not otherwise be allowed by this Ordinance as a form of affordable housing.

B. A second **dwelling** may be placed on the same **parcel** where a **Dwelling** already exists if all the following conditions are met:

1. The application for a **use** permit **shall** include a site plan, pursuant to **Section 9401, et. seq.**
2. The second **dwelling shall** comply with all applicable construction, **building height, yard and setback** regulations of this Ordinance. The **Appeals Board shall** not grant **variances** to construction, minimum size, **building height, yard and setback** regulations of this Ordinance to the principal and second **Dwellings** when both are located on the same **parcel**.
3. Both **Dwellings**, and all **accessory buildings shall** not cover more than 30 percent of the total **building envelope** area of the **parcel**.
4. The minimum **parcel size shall** be twice the minimum **parcel size** required for a **dwelling** in the respective district.
5. The distance between the principal and second **dwelling shall** be equal to twice the side **yard setback** required in the respective district.
6. The second **dwelling shall** be located in the rear or side **yard**.
7. The **dwelling** is on a **parcel** with frontage on a public road, with a driveway adequate to provide off-road parking for two **Dwellings** (at least, but not limited to, three **parking spaces**), which has access to public road or alley.
8. The second **dwelling shall** not be **used** for **short term rental** (rental for a short period of time and not as a residence) unless approved as a commercial lodging establishment by the **Township**.

1082. Home Occupations

Home occupations shall be part of a **dwelling land use** so long as it meets the following standards:

- A. The **home occupation(s)** takes place in a **dwelling** where the resident engaging in the **home occupation** lives on a full time basis.
- B. The **home occupation(s) shall** be accessory to the residential **use** of the property.
- C. The activities and carrying on of the **home occupation shall** be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the **home occupation**, other than the **sign** allowed in **Section 1082.D.** of this Ordinance.
- D. The **home occupation(s) shall** be conducted entirely within the enclosed **dwelling** and **accessory building** to the house with no external evidence of the activity except for a **sign** that **shall** not exceed six (6) square feet in size.
- E. The **home occupation(s) shall** not involve the

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- 1. generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (M.C.L. 299.433 *et. seq.*) or
 - 2. use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision **shall** not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.
- F. The **home occupation shall** employ no one at the residence except those who live there.

109. Other, Special Purpose

1090. Marijuana Facility

Marijuana Facilities or Establishments are not permitted anywhere in the **Township**.

1091. Vacation Rentals

- A. A landlord, property owner, shall reside on the premises during the use of the vacation rental.
- B. A vacation rental may be a home occupation without a permit pursuant to and in compliance with section 1082 of this Ordinance, so long as the property owner is residing at the property during the period of the short term rental, or cottage industry, pursuant to and in compliance with section 66 of this Ordinance, so long as the property owner is residing at the property during the period of the short term rental.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 12: DEVELOPMENT STANDARDS

1201. Purpose

When development of vacant land, or the redevelopment of land takes place there are certain standards which are considered minimum development standards necessary to implement the *Sauble Township Comprehensive Plan* of May 19, 2004, as amended. The requirements of this **Article** are in addition to other requirements of this Ordinance.

1202. Scope

This **Article** applies to land divisions pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et. seq.*) in which five or more parcels are created; subdivisions pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et. seq.*); condominium of vacant land pursuant to P.A. 59 of 1978, as amended, (being the Condominium Act; M.C.L. 559.101 *et. seq.*); leasing for any length of time land, **dwelling**s, **duplex**s, and apartments; **easement**s (for, but not limited to, septic tank drain field, roads, access); eminent domain; voluntary conveyance to utility company with eminent domain powers; municipal corporation's splitting of land; and any other lawful method of developing land.

1203. Regulation Applicable all Developments

Provisions of this **Section** apply to all types of development found in **Article** 12 of this Ordinance.

- A. A minimum number of housing units, as shown in the table in subsection B. of this section, in the development **shall** be offered for sale through a standard mortgage at current competitive interest rates and fees such that the total annual payment to the homeowner is equal to or less than one third (1/3) of the annual median Lake County household income as established by the most recent release of information by the United States Bureau of the Census.

- B. Table:

Number of Housing Units	Number offered as affordable
0 to 4	None
5 to 9	1
10 to 14	2
15 to 19	3
20 to 24	4
25 to 29	5
each additional five number of units	add one additional affordable unit

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

1204. Parcel Divisions: Open Space Development

Provisions of this **Section** apply to development involving creation of land divisions with open space preservation. New **parcels** may be created as divisions, bonus divisions, and re-divisions pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et. seq.*) or as provided here. In certain Districts, as specified in the respective district in this Ordinance, new **parcels shall** only be created as provided here. In certain Districts new **parcels** may be created as provided here, or may be provided without open space clustering as provided in the Land Division Act.

- A. New **parcels** created **shall** conform with both **Section 8201** of this Ordinance and the applicable provisions of one of the following development options. In addition, the splitting and combining of one adjacent **parent parcel** with another is allowed, conditioned on both **parent parcels** have not been split previously under either development option listed below. In these cases the resulting reconstituted **parent parcels shall** be the basis for further allowable land divisions.
1. Development Option 1, Country Properties: A maximum of twenty (20) percent of any **parent parcel** may be divided into new **parcels** averaging not less than two (2) acres in area. The remaining eighty (80) percent of the **parent parcel** when area allows, may be split into **parcels** not less than **forty (40) acres** in area.
 2. Development Option 2, Conservation **Planned Unit Development**:
 - a. Eligibility: **parent parcels** not previously split may be developed per this option. In addition **parent parcels** partially developed under option 1 may further be developed under option 2, provided all previous splits along with any additional splits **shall** conform with the provisions of this option 2.
 - b. Minimum Conservation Land Requirement: A minimum of fifty (50) percent of the **parent parcel buildable area (Section 8201 of this Ordinance)**, plus all lands within the **parent parcel** which is not **buildable area, shall** be designated as Conservation Lands to be permanently protected by a conservation easement which prohibits:
 - (1) The further division of these lands into **parcels forty (40) acres** or less in area; and
 - (2) Construction of more than two **Dwelling** units on any one **parcel**.

The development density which would normally be realized on the entire **parent parcel shall** be transferred to the area of the **parent parcel** which is not Conservation Lands (**Section 1204.A.2.b of this Ordinance**).
 - c. Determining Maximum Allowable **parcel** Divisions: The maximum number of new **parcels** which may be created within the **parent parcel shall** be the same number calculated by dividing the total area of the **parent parcel** which is **buildable area** (see definition in this Ordinance) by the minimum **parcel area** required the respective zoning district. To illustrate this density a conceptual plan of division of the **parent parcel shall** be submitted by the applicant to the **Administrator**. This plan **shall** contain proposed **parcels**, roads, rights-of-way, areas which are not in the **buildable area**, and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.
 - d. Endowment Parcel Density Bonus: In addition to the maximum number of new **parcels** as determined in **Section 1204.A.2.c** of this Ordinance, when the required easement covering Conservation Lands **shall** be held in part by a recognized non-profit land conservancy two (2) additional **parcels shall** be allowed. The proceeds from the sale of the two (2) additional **parcels shall** be used to fund an endowment held by the

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- Conservancy to cover the land conservancy's expenses for monitoring compliance with the conservation easement.
- e. Siting Criteria for new **parcels**: Diversity and originality in **parcel** layout **shall** be encouraged to achieve the best possible relationship between Buildable and Conservation Lands (**Section** 1204.A.2.b of this Ordinance) areas. The **Commission shall** evaluate proposals to determine whether the proposed site plan meet the following criteria and site plan criteria contained elsewhere in this Ordinance:
- (1) Protects and preserves all beach contiguous to a lake or stream, **wetland**, area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by Health Department, flood plain, existing **public utility easements**, existing public rights-of-way, waterfront **setback** areas, and slopes over 25 percent. (including a **buffer area** around such areas) from clearing, grading, filling, and construction.
 - (2) As practical, preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates sufficient **buffer areas** to minimize conflicts between residential and agricultural/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, **buildings** should be sited on the least prime and important or unique agriculture land or forest land soils, and in locations at the far edge of a field, as seen from existing roads.
 - (3) Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to **wetlands** and surface waters.
 - (4) Minimizes impacts on large woodlands (greater than five acres), especially those located on upland soils considered prime for timber production.
 - (5) Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
 - (6) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
 - (7) Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
 - (8) Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.
 - (9) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic **buildings**, stone walls, hedgerows, and so on.
 - (10) Provides that Conservation Lands (**Section** 1204.A.2.b of this Ordinance) **shall** be reasonable and contiguous. While Conservation Lands are exempt from the 4 to 1 maximum **parcel** depth to width ratio, fragmentation of these lands **shall** as much as practical, be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small **parcels** located in various parts of the development.
 - (11) When Conservation Lands (**Section** 1204.A.2.b of this Ordinance) are held in common by surrounding **parcel** owners the proposed site plan **shall**:

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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- (a) Provide for active recreational areas in suitable locations that offer convenient access by residents and adequate screening from near by **parcels** in the **buildable area(s)** (**Section ?** of this Ordinance).
- (b) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between **parcels**, activity areas, special features, and contiguous developments.
- (c) **ownership** of Conservation Lands (**Section 1204.A.2.b** of this Ordinance) may remain with the owner of the **parent parcel**, a homeowners association made up of **parcel** owners in the development, the **Township** if the **Township** agrees, county if the county agrees, or a recognized non-profit land conservancy.

B. Application and Site Plan Review Process:

- 1. A pre-application conference between the applicant, the site designer, and the **Administrator** to discuss the applicant’s objectives and how these may be achieved under this Ordinance is encouraged for all **parcels** to be split under provisions of Option 1, **Section 1204.A.1** of this Ordinance. Engineering, site plans, or surveys, **shall** not be required for the pre-application conference and **shall** not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
- 2. A pre-application conference between the applicant, the site designer, and the **Administrator** to discuss the applicant’s objectives and how these may be achieved under this Ordinance **shall** be mandatory for all **parcels** to be split under provisions of Option 2, **Section 1204.A.2** of this Ordinance. Engineering, site plans, or surveys, **shall** not be required for the pre-application conference and **shall** not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
- 3. The application **shall** then be processed under the Special **use** Permit, **Section 8601 et. seq.** of this ordinance, and **Planned Unit Development** Districts **Section 8801 et. seq.** of this ordinance. The municipality **shall** simultaneously approve the land division splits as part of the review.

1205. Subdivisions and Site Condominiums

Provisions of this **Section** apply to all new subdivisions, site condominiums, and any other form of splitting land into new **parcels** for purposes of development not covered elsewhere in **Article 12** of this Ordinance.

A. - Roads:

- 1. Road Continuation and Extension: The arrangement of roads **shall** provide for the continuation of existing roads from adjoining areas into new subdivisions and condominiums, unless otherwise approved by the road agency.
- 2. Stub Roads: When adjoining areas are not subdivided, the arrangement of roads or rights-of-way for roads in new subdivisions and condominiums **shall** be extended to the boundary line of the tract to make provision for the future projection of roads into adjacent areas.
- 3. Road names **shall** not duplicate phonetically or in spelling any existing road name in the County, and **shall** be established in accordance with the Lake County Address Ordinance, as amended.

B. Blocks:

- 1. Arrangements: A block **shall** be so designed as to provide two (2) tiers of **lots** except where **lots** back onto an arterial street, a freeway, a natural feature, subdivision or condominium project site boundary.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

2. Maximum Length and Width: The maximum length or width allowed for blocks **shall** be one thousand three hundred twenty (1,320') feet measured from the center of a road right of way at one end of the block to the center of a road right of way at the other end of the block.
- C. **Lots:**
1. Conform to Zoning: The **lot** width, depth, and area **shall** not be less than the particular distance requirements of the applicable zoning ordinance except where outlots are provided for some permitted purpose. For purposes of Condominiums, zoning regulations for **lots** or **parcels shall** apply to Condominium lots. If no zoning is then in effect within the municipality where the lands are located or if the zoning does not provide standards for **lot** width, depth or area, then **lots shall** have a minimum width of 75 feet, as measured 25 feet back from the front line of the **lot**, a minimum depth of 100 feet, and a minimum area of 15,000 square feet, unless the Land Division Act or Condominium Act makes more stringent requirements or is controlling as to the relevant standard. Provided, however, that if the **lot** diminishes in width from front to rear it **shall** be no less than 75 feet wide at a distance of 50 feet from its front **lot** line, and provided further, however, that if the **lot** will be served by a public sanitary sewer system the minimum **lot** area **shall** be 12,000 square feet.
 2. **Lot** Lines: Side **lot** lines **shall** intersect straight streets at an angle of not less than 70 degrees nor more than 110 degrees and **shall** be radial to curved streets.
 3. Width Related to Length: Narrow deep **lots shall** be avoided. The depth of a **lot shall** not exceed three (3) times the width.
 4. Corner **lots shall** have sufficient extra width to permit appropriate **building setback** from both streets or orientation to both streets as required for clear sight distance and applicable zoning regulations.
 5. Uninhabitable Areas: Lands which do not qualify to be within a **buildable area shall** be considered uninhabitable. Such land within a subdivision and condominium may be set aside for other **uses**, such as parks, or other open space.
 6. Back-up **lots: lots shall** back into such features as freeways, arterial streets, shopping centers, or industrial properties, except where there is a marginal access street, unless a secondary access is provided. Such **lots shall** contain a landscaped **easement** along the rear at least twenty (20') feet wide in addition to the utility **easement** to restrict access to the arterial street to minimize noise and to protect outdoor living areas. **lots** extending through a block and having frontage on two (2) local streets may be prohibited.
 7. **Lot** Frontage: All **lots shall** front upon a road. The front line **shall** be the road right of way.
- D. Reserve Strips:
1. Reserve Strips - Private: Privately held reserve strips controlling access to roads **shall** be prohibited.
 2. Reserve Strip - Public: A one (1') foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at subdivision and condominium project site boundaries and between half streets. These reserves when required **shall** be deeded in fee simple to the municipality or County Road Commission for future street purposes.
- E. Natural Features: Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) **shall** be preserved insofar as possible, in the design of the subdivision and condominium. In determining whether a **lot** in a proposed subdivision, or a condominium **lot** in a proposed condominium, complies with

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the area requirements contained or provided for herein, or in any municipal ordinance, the area contained within the following natural features, to-wit:

1. sand dunes
2. water set back areas
3. high risk erosion set back areas
4. **wetlands**
5. beach
6. flood plain
7. slope of 25% or greater
8. areas not suitable for on-site sewage disposal

shall be deducted from the total area of the **lot**. Such lands may be set aside for other uses, such as parks or other open space.

- F. **Planned Unit or Similar Development:** If subdivision or condominium is done in conjunction with a **Planned Unit Development** or similar provisions of a municipal zoning ordinance, **lots** may be clustered in smaller sizes if the total area of the development, including areas designated in the plan to be open spaces, is equal to or greater than the total area requirements for that number of **lots** if traditional subdivision has been undertaken.
- G. **Required Public Improvements:** Every proprietor **shall** be required to install the following public and other improvements in accordance with the conditions and specifications as follows:
 1. **Monuments:** Monuments **shall** be set in accordance with the State Land Division Act or as required by the Condominium Act, County and municipality.
 2. **Streets and Alleys:** All streets and alleys **shall** be constructed in accordance with the standards and specifications adopted by the Road Agency..
 3. **Sidewalks:** All developments **shall** provide sidewalks on both sides of all roads, located so the edge of the sidewalk is at the edge of the road **right-of-way** except where natural features, vegetation, or other reason makes it practical for a portion of the sidewalk to be closer to the road. Between the road and sidewalk, there **shall** be a tree strip 4 to 10 feet in width, of indigenous shade trees planted approximately 30 feet apart, 10-foot minimum height at planting (located in grated sidewalk planters on commercial streets).
 4. **Curbs and Gutters:** Curbs and gutters may be required on all neighborhood access streets and minor streets and if required **shall** be constructed in accordance with the standards and specifications adopted by the Road Agency.
 5. **Installation of Public Utilities:** Public utilities and driveways **shall** be located in accordance with the rules of the Road Agency or the Department of State Highways. Underground work for utilities **shall** be stubbed to the edge of each **lot** which is established as part of the subdivision or Condominium.
 6. **Driveways:** All driveway openings in curbs and driveway culvert placement **shall** be as specified by the Road Agency or the Department of State Highways.
 7. **Storm Drainage:** An adequate storm drainage system **shall** be required in all subdivisions and condominiums. The requirements for each particular subdivision and condominium **shall** be established by the County Drain Commissioner. Construction **shall** follow the specifications and procedures established by the County Drain Commissioner. All proposed storm drainage construction plans for proposed development **shall** be approved by the County Drain Commissioner.

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Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

8. Water Supply System: When a proposed subdivision or condominium is to be serviced by a public water supply system, fire hydrants and other required water system appurtenances **shall** be provided by the proprietor. Where a public system is accessible within one-quarter (¼) mile the proprietor **shall** install the public water lines in the subdivision or condominium and **shall** stub appropriate water lines to the edge of each **lot**. It **shall** be up to the local unit to determine the matter of installing connecting systems. Individual wells may be permitted in accordance with the requirements of the County Health Department.
 9. Sanitary Sewer System:
 - a. When a proposed subdivision or condominium is to be serviced by a public sanitary sewage system, such sanitary sewers and other required appurtenances **shall** be provided by the developer and the developer **shall** stub sewer connecting lines to the edge of each **lot**. That portion of such Sewer system which established by the developer **shall** comply with the requirements of Act 98, P.A. 1913, as amended.
 - b. If there is no existing or accessible public sewer system, a sewer system for the common use of the **lot** owners may be required to be provided by the proprietor, if feasible in the judgment of the Municipality with the advice of the County Health Department and **shall** comply with the requirements of Act 98, P.A. 1913, as amended.
 - c. Where it is determined in the judgment of the Municipality, with the advice of the Health Department, that a subdivision or condominium cannot be economically connected with an existing public sewer system which is within one-quarter (¼) mile or that public sewer service cannot be provided for the subdivision or condominium itself, then approved on site sewage and disposal systems may be approved which **shall** comply with the requirements of the Health Department.
 - d. However, where studies by the **Commission** indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided or condominiumized appears probable within a reasonably short time (up to three (3) years) sanitary sewer mains and house connections **shall** be installed and capped.
 10. Name **signs**: Installation of street name **signs** may be required in appropriate locations at each street **intersection** in accordance with the requirements of the Road Agency and named and spelled in conformity with the Lake County Address Ordinance of March, 1985. If sidewalks and crosswalks are provided they **shall** be constructed in accordance with the requirements of the Road Agency or municipality.
- H. Other Public Improvements: The developer **shall** comply with and **shall** establish any other improvement which is required by any ordinance or regulation of any municipality or by any ordinance of the County.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 16: SPECIAL USE SPECIFIC STANDARDS

1601. Purpose

In addition to general special **use** standards (**Section 8609** of this Ordinance) there are specific standards for Special **Uses**. The specific standards for determining if the following types of Special **Use** Permits are to be granted or not are provided in this **Article**.

1602. Campgrounds

For **campgrounds**:

- A. the location of a **campground shall** front or have public access to a public road or the developer **shall** agree to provide the funds to upgrade or will upgrade a **private road** to a public road.
- B. the **campground shall** conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of **sections 1201 et. seq.** of P.A. 368 of 1978, as amended, (being the Michigan Health Code, M.C.L. 333.1201 *et. seq.*).
- C. the application for a zoning Special **Use** Permit for a **campground shall** contain all the elements and parts which are required by the Health Department for a **campground** license under authority of **sections 12501 to 12516** of P.A. 369 of 1978, as amended, (being the Michigan Health Code, M.C.L. 333.12501 *et. seq.*), in addition to the Special **Use** Permit application requirements presented in this Ordinance.
- D. the minimum **parcel area shall** not be less than five acres and **shall** not be less than (*X*) square feet, where (*X*) equals 2,000 times the number of proposed campsites, whichever is greater.
- E. spaces in the **campground shall** be only rented on a day(s), week, or month basis, but not on a permanent basis.
- F. management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and **structures** customarily incidental to the operation of a **campground** are permitted as **accessory uses** provided:
 1. such establishments and the parking area primarily related to their operations **shall** not occupy more than ten (10) percent of the **campground**.
 2. such establishments **shall** be restricted in their use to occupants of the **campground** and their guests.
 3. such establishments **shall** present no visible evidence of their commercial character which would attract customers other than occupants of the **campground** and their guests.
- G. no space **shall** be so located so any part intended for occupancy for sleeping purposes **shall** be within one hundred (100) feet of the **right-of-way** line of any road. **setback** spaces may be reduced if occupied by plant material and/or a berm. In no case **shall** the **setback** be less than 40 feet, and allowed only in instances when screening is an opaque **fence** or berm. In all cases, plant materials **shall** be maintained in a **setback** area. Plant materials **shall** be of sufficient size when installed to assure immediate and effective screening of the **campground** from adjacent roads and properties. The plans and specifications for a **campground shall** include the proposed arrangement of such plantings.

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Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

1603. Mining

For mining operation of a duration of more than two (2) years:

- A. A map and/or aerial photograph of the property which **shall** indicate:
 - 1. Proposed location, aerial extent, and depth of intended mine excavation;
 - 2. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, **structures**, roads, railroad lines, utilities or other permanent or temporary facilities used in mining.
 - 3. Estimated depth to groundwater.
- B. A description of the mining and processing equipment to be used;
- C. A description of measures to be taken to control noise and vibrations from the operation;
- D. A description of measures to be taken to screen the operation from view;
- E. Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property;
- F. A description of the plans for topsoil storage;
- G. A reclamation plan which **shall** include:
 - 1. A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization and vegetation where applicable, and erosion control, and alternative future land **uses**;
 - 2. Description of topsoil stripping and conservation during storage and replacement;
 - 3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property;
 - 4. Description of plans for disposition of surface **structures**, roads, and related facilities after cessation of mining;
 - 5. A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations;
 - 6. The estimated cost of reclamation for the total project;
- H. A statement in writing and adequate evidence to indicate the duration of the operation in years;
- I. A timetable of the commencement, duration and cessation of mining operations;
- J. All mining permits held by the applicant within the state.

1604. Temporary mining

For mining on a temporary (two (2) or fewer years) basis:

- A. As may be required by the **Commission**, a map and/or aerial photograph of the land with any or all of the information as listed in **Section 1603**, relating to requirements for maps and/or aerial photographs for regular mining Special Use Permits;
- B. As may be required by the **Commission**, any or all of the information listed in **Section 1603**, relating to requirements for information for regular mining Special Use Permits.

1605. Communication Tower Facilities

- A. **communication tower facilities** may be permitted by special use permit pursuant to **Section 8601** of this Ordinance provided said **use**:
 - 1. **shall** be located centrally on a contiguous **parcel** of not less than one (1) times the height of the tower measured from the base of said tower to all points on each **property line**. The **setback** standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

2. All guy wires/cables and anchors **shall** meet the zoning **setback** standards of the district.
 3. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, **shall** be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
- B. The following standards will be required for all **communication tower facilities**:
1. Wireless Communication Facilities may be permitted if it is found that there is no reasonable opportunity to be built as a permitted **use** and complies with **Section 1073** of this ordinance. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing **structure**.
 2. The proposed height meets FCC and/or FAA regulations.
 3. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a **fence** to prevent unauthorized access to the tower.
 4. All reasonable measures are taken to blend the tower into the landscape, including **greenbelt** planting and/or screening, painting and/or concealing the tower in a “stealth” design.
 5. New towers should be engineered as appropriate for future co-location of at least five (5) additional antennae. Depending on tower height, additional co-located antennae may be required by the **Commission**. These antennae sites **shall** be made available at a fair market value on a need or basis to anyone wanting to mount commercial communication equipment. This commitment **shall** be reflected as a condition in the special **use** permit for the tower. No new construction will be approved unless it can be demonstrated that space on existing towers is unavailable or unsatiable.
 6. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.
 7. The proposed height meets FCC and FAA regulations so that the tower does not have lights, or the **Commission** makes a finding it is more desirable to have a single taller tower to avoid multiple unlit towers.
 8. A tower **shall** not be located closer than two miles from another tower. Lighted towers **shall** not be located closer than six miles from another lighted tower. However in no case **shall** this standard result in denial of a communication tower facility which prevents the provision of any personal wireless services in a given geographic area.
 9. All **communication tower facilities shall** be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer **used**).
 10. Action on a Special **use** permit application **shall** take place within 90 days of a complete application being received with a fee (that is less than \$1,000) and such action **shall** not include any consideration of health impacts or concerns of radio frequency emissions if such emissions comply with FCC regulations on emissions, or property value concerns not documented by expert testimony and study done specifically for the site and area, at the applicant’s cost.

1606. Utility-Scale WES (including permanent Anemometer Towers accessory to the project.

An Utility-Scale **wind energy system** (including permanent **anemometer towers** accessory to the project) **shall** meet the following standards in addition to the general special **use** standards (**Section 8601** of this Ordinance):

- A. **Setbacks:**
1. An **anemometer tower shall** be **setback** a distance equal to 1.1 times **height** from a **property line** or road **right-of-way**.

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 River Overlay 91; Scenic Trial Overlay 93;
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 Appeals Board 121; Amendments & penalties, etc. 126.

2. A **wind turbine setback shall** be measured from the closest point of the base of the **wind turbine** to the **property line** and **shall** not exceed:
 - a. Road right of way: A horizontal distance equal to 1.5 times the **height** or 500 from the edge of the road **right-of-way**, whichever is greater;
 - b. **Non-participating parcels**: A horizontal distance equal to 3 times **height** from the **property line**;
 - c. **Participating parcels**: A horizontal distance equal to 2.5 times **height** from the **property line**.
3. A **wind turbine** is not subject to **property line setbacks** for common **property lines** of two or more **participating parcels**, except road **right-of-way setbacks shall** apply.
- B. **Height: wind energy system** are not subject to **height** limitations found in **Section 1070** and elsewhere in this Ordinance.
- C. **Accessory uses**: An Operations and Maintenance Office building, a sub-station, or ancillary equipment **shall** comply with property **setback** requirements of the respective zoning district. Overhead transmission lines and power poles **shall** comply with the **setback** and placement requirements applicable to public utilities.
- D. **Laydown area**: A centralized temporary **laydown area** for **wind turbine** component parts and other related equipment **shall** comply with property-**setback** requirements of the district and be detailed in the application.
- E. **Sound Pressure Level**: The **sound pressure level shall** not exceed the noise levels specified in **Section 1032** of this Ordinance. In the case of participating property, the measure of sound **shall** be at the **property line** encompassing all the participating properties.
- F. Safety: **Utility-scale wind energy system shall** be designed to prevent unauthorized access to electrical and mechanical components and **shall** have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids **shall** be properly and safely removed in a timely manner from the site of the **wind energy system**. A **sign shall** be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. A **sign shall** be placed at the road access to a **wind turbine** to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade **shall** be 20 feet for a **wind energy system** employing a horizontal axis **rotor**.
- G. Construction Codes, Towers, and Interconnection Standards: **Utility-scale wind energy system shall** comply with all applicable state construction and electrical codes and local building permit requirements.
- H. Pre-Application Permits: **Utility-scale wind energy system shall** comply with applicable utility, Michigan Public Service Commission, Federal Energy Regulatory Commission interconnection standards, FAA requirements, and tall structures requirements, including but not limited to:
 1. Aviation and Airport
 - a. Federal Aviation Administration (FAA) requirements. The minimum FAA lighting standards **shall** not be exceeded. The lighting plan submitted to the FAA **shall** include an Aircraft Detection Lighting System (ADLS) for the **utility-scale wind energy system**. The tower shaft **shall** not be illuminated unless required by the FAA.
 - b. Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, MCL 259.431 *et seq.*).
 - c. Michigan Tall Structures Act (Public Act 259 of 1959 as amended, MCL 259.481 *et seq.*).
 - d. Local jurisdiction airport overlay zone regulations.
 2. Environment: The application will demonstrate mitigation measures to minimize potential impacts on the natural environment including, but not limited to **wetlands** and other fragile ecosystems,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

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- historical and cultural sites, and antiquities, as identified in the Environmental Analysis. The application **shall** demonstrate compliance with:
 - a. Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 *et seq.*) (including but not limited to: Part 31 Water Resources Protection (MCL 324.3101 *et seq.*),
 - b. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 *et seq.*)
 - c. Part 301 Inland Lakes and Streams (MCL 324.30101 *et seq.*)
 - d. Part 303 Wetlands (MCL 324.30301 *et seq.*)
 - e. Part 323 Shoreland Protection and Management (MCL 324.32301 *et seq.*)
 - f. Part 325 Great Lakes Submerged Lands (MCL 324.32501 *et seq.*)
 - g. Part 353 Sand Dunes Protection and Management (MCL 324.35301 *et seq.*)
 - 3. Avian and Wildlife Impact: Site plan and other documents and drawings **shall** provide mitigation measures to minimize potential impacts on avians and wildlife, as identified in the Avian and Wildlife Impact analysis.
 - a. The application **shall** demonstrate consultation with the U.S. Fish and Wildlife Service’s Land-Based Wind Energy Guidelines.
 - b. Applicants must comply with applicable sections of the Federal Endangered Species Act and Michigan’s endangered species protection laws (NREPA, Act 451 of 1994, Part 365).
 - c. The applicant or the applicant’s impact assessment must show consultation with the U.S. Fish and Wildlife Service regarding federally listed species and the **DNR** for state listed species. Early coordination with state and federal agencies is recommended.
 - I. Performance Security: Performance security, pursuant to **Section 9415** of this Ordinance, **shall** be provided for the applicant to make repairs to public roads damaged by the construction of the **wind energy system**. In lieu of this performance security, the applicant may enter into a road use agreement with the Lake County Road Commission to cover the costs of all road damage resulting from the construction of the **wind energy system**.
 - J. Utilities: Electric transmission lines extending from a **wind turbine** to a sub-station should be placed underground to a minimum depth of six feet to allow for continued farming and existing land **use** operations in the vicinity of the **wind energy system**, and to prevent avian collisions and electrocutions. All other above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC) published guidelines⁷² to reduce avian mortality.
 - K. Visual Impact: **Utility-scale wind energy system** projects **shall** use tubular towers and all **utility-scale wind energy system** in a project **shall** be finished in a single, non-reflective, matte finish, color approved by the **Commission**. A project **shall** be constructed using **wind energy system** components (tower, nacelle, blade) of similar design, size, operation, and appearance throughout the project. An area of 25 square feet on each side of the nacelle may be used for a **sign**, such as for turbine identification or other insignia. The applicant **shall** avoid state or federal scenic areas and significant visual resources listed in the local unit of government’s Master Plan.
 - L. **Shadow Flicker: Shadow flicker shall** not exceed 30 minutes per day measured to the exterior wall of a **Dwelling** or other **occupied building** on a **non-participating parcel**. Mitigation measures to minimize or eliminate potential impacts from **shadow flicker**, as identified in the Shadow Flicker Impact Analysis for human-occupied structures, **shall** include, but not be limited to:
 - 1. Change the proposed location of the wind energy tower; or
 - 2. The **utility-scale wind energy system shall** be turned off by manufacturer approved automated system during the period of time an inhabited **structure** receives **shadow flicker**; or

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

3. The **utility-scale wind energy system shall** be turned off during flicker events after one hours/year of **shadow flicker** on an inhabited **structure**; or
 4. There is screening (forest, other **building(s)**, topography, window treatments/blinds) which shields the inhabited **structure** from a direct line of sight to the **rotors** causing **shadow flicker**.
- M. Signal Interference: No **utility-scale wind energy system shall** be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the **wind energy system**. No **utility-scale wind energy system shall** be installed in any location within the line of sight of an existing microwave communications link where operation of the **wind energy system** is likely to produce electromagnetic interference in the link's operation.
- N. Decommissioning: A **Commission** approved decommissioning plan indicating
1. the anticipated life of the project
 2. the estimated decommissioning costs net of salvage value in current dollars,
 3. the method of ensuring that funds will be available for decommissioning and restoration,
 4. the anticipated manner in which the project will be decommissioned and the site restored, and
 5. the review of the amount of the performance guarantee based on inflation and current removal costs to be completed every three years, for the life of the project, and approved by the **Township Board**.
- O. Complaint Resolution: A complaint resolution plan **shall** be presented to the **Commission** and approved prior to approval of a special land **use** permit. The complaint resolution program will describe how the developer receives, responds, and resolves complaints that may arise from the operation of the **wind energy system**. The complaint resolution plan **shall** include appropriate timelines for response and other detailed information (such as forms, and contact information). As a condition of filing a complaint, a landowner must allow the **Administrator**, or designated agents, and **wind energy system** owner, or agents on the subject property for further investigation.
- P. Annual Maintenance Review: The **wind energy system shall** be maintained and kept in a safe working condition. The **wind energy system** owner **shall** certify on an annual basis that all turbines are operating under normal conditions. Non-operational turbines at the time of the annual review, **shall** be identified and provided an expected date to resolve the maintenance issue. A **wind turbine** generator that has not been operational for over 12 months **shall** be considered abandoned and a violation of the special land **use** permit.
- Q. **End of useful life:** At the end of the useful life of the **wind energy system**, the system owner:
1. **Shall** follow the decommissioning plan approved by the **Commission** under this Ordinance and remove the system as indicated in the most recent approved plan; or,
 2. Amend the decommissioning plan with **Commission** approval and proceed with P.1 above; or,
 3. The **Township** reserves the right to approve, deny, or modify an application to modify an existing **wind energy system** at the **end of useful life**, in whole or in part, based on ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify or repower a **wind energy system** will be reimbursed to the **Township** by the **wind energy system** owner in compliance with established escrow policy.

1607. Large Principal-Use Solar Energy System

A **large Principal-Use Solar Energy System** is a special land **use** in the zoning districts specified and **shall** meet the following requirements:

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- A. Height: Total height for a **large Principal-Use Solar Energy System** shall not exceed the maximum allowed height in the district in which the system is located 25 feet, whichever is less.
- B. **Setbacks:** **Setback** distance shall be measured from the **property line** or **road right-of-way** to the closest point of the **Solar Array** at **Minimum Tilt** or any **Solar Energy System** components and as follows:
 - 1. In accordance with the **setbacks** for principal **buildings** or **structures** for the zoning district of the project site 50 feet from the **property line** of a **Non-Participating Parcel**.
 - 2. One hundred feet from any existing **housing unit** on a **Non-Participating Parcel**.
 - 3. A **Ground-Mounted Solar Energy System** is not subject to **property line setbacks** for common **property lines** of two or more **Participating Parcels**, except **road right-of-way setbacks** shall apply.
- C. **Fencing:** A **large Principal-Use Solar Energy System** shall be secured with perimeter **fencing** to restrict unauthorized access. If installed, perimeter **fencing** shall be a maximum of eight feet in height. Barbed wire is prohibited. **Fencing** is not subject to **setbacks**.
- D. Screening/Landscaping: A **large Principal-Use Solar Energy System** shall follow the screening and/or landscaping standards for the zoning district of the project site. Any required screening and landscaping shall be placed outside the perimeter **fencing**.
 - 1. In districts that call for screening or landscaping along rear or side **property lines**, these shall only be required where an adjoining **Non-Participating Parcel** has an existing **housing unit** or public **use**.
 - 2. When current zoning district screening and landscaping standards are determined to be inadequate based on a legitimate community purpose consistent with local government planning documents, the **Commission** may require substitute screening consisting of native deciduous trees planted 30 feet on center, and native evergreen trees planted 15 feet on center along existing **housing unit uses** on **non-participating parcels**.
 - 3. The **Commission** may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
 - 4. Screening/landscaping detail shall be submitted as part of the site plan that identifies the type and extent of screening for a **large Principal-Use Solar Energy System**, which may include plantings, strategic use of berms, and/or **fencing**.
- E. Ground Cover: A **large Principal-Use Solar Energy System** shall include the installation of ground cover vegetation maintained for the duration of operation until the site is decommissioned. The applicant shall include a ground cover vegetation establishment and management plan as part of the site plan. Vegetation establishment must include **Invasive Plant** species control. The following standards apply:
 - 1. Sites bound by a Farmland Development Rights Agreement pursuant to Farmland and Open Space Preservation Part of the Natural Resources and Environmental Protection Act (being Act 451 of 1994 Part 361, as amended, MCL 324.36101 *et seq.*) must follow the Michigan Department of Agriculture and Rural Development’s Policy for Allowing Commercial Solar Panel Development on such lands.
 - 2. Ground cover at sites not enrolled in Farmland Development Rights Agreement must meet one or more of the four types of **Dual Use** defined in this Ordinance.
 - a. Pollinator Habitat: Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.
 - b. Conservation Cover: Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- c. Forage: Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- d. Agrivoltaics: Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements
- 3. Project sites that are included in a brownfield plan adopted under the Brownfield Redevelopment Financing Act, PA 381 of 1996, as amended, that contain impervious surface at the time of construction or soils that cannot be disturbed, are exempt from ground cover requirements.
- F. **Parcel Coverage:** A **large Principal-Use Solar Energy System** shall not count towards the maximum **parcel** coverage or impervious surface standards for the district.
- G. **Land Clearing:** Land disturbance or clearing **shall** be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property **shall** be retained on site.
- H. **Access Drives:** New access drives within the **Solar Energy System** shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for the construction of temporary drives during the construction of the **Solar Energy System** is permitted, provided that the geotextile fabrics and gravel are removed once the **Solar Energy System** is in operation.
- I. **Wiring:** **Solar Energy System** wiring (including communication lines) **shall** be buried underground.
- J. **Lighting:** **Large Principal-Use Solar Energy System** lighting **shall** be limited to inverter and/or substation locations only. Light fixtures **shall** have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, **water bodies**, and adjacent roadways. Flashing or intermittent lights are prohibited.
- K. **Signage:** **Signs** shall comply with **Section 1060** of this Ordinance.
- L. **Sound:** Amount of noise shall comply with **Section 1032** of this Ordinance..
- M. **Repowering:** In addition to repairing or replacing **Solar Energy System** components to maintain the system, a **large Principal-Use Solar Energy System** may at any time be repowered, without the need to apply for a new special land use permit, by reconfiguring, renovating, or replacing the **Solar Energy System** to increase the power rating within the existing project footprint.
 - 1. A proposal to change the project footprint of an existing **Solar Energy System** shall be considered a new application, subject to the ordinance standards at the time of the request.
- N. **Decommissioning:** A decommissioning plan is required at the time of application.
 - 1. The decommission plan shall include:
 - a. The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, **fencing**), or restored for viable reuse of the property consistent with the zoning district,
 - b. The projected decommissioning costs for removal of the **Solar Energy System** (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on land subject to a Farmland Development Rights Agreement pursuant to Farmland and Open Space Preservation Part of the Natural Resources and Environmental Protection Act (being Act 451 of 1994 Part 361, as amended, MCL 324.36101 *et seq.*),

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- c. The method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, or cash deposit), and
- 2. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs **shall** be completed every five years, for the life of the project, and approved by the **township board**. An **Solar Energy System** owner may at any time:
 - a. Proceed with the decommissioning plan approved by the **Commission** under **Section 9400 et seq.** and remove the system as indicated in the most recent approved plan; or
 - b. Amend the decommissioning plan with the **Commission** approval and proceed according to the revised plan.
- 3. Decommissioning an **Solar Energy System** must commence when the soil is dry to prevent soil compaction and must be complete within 18 months after abandonment. An **Solar Energy System** that has not produced electrical energy for 12 consecutive months **shall** prompt an abandonment hearing.

1608. Cottage Industry

For **cottage industry**:

- A. The **use** and associated activity is located on the same property as the business operator’s **Dwelling**.
- B. The manufacturing or assembly activity **shall** be accessory to the residential **use** of the property.
- C. The activities and carrying on of the enterprise **shall** be operated in such a manner that, under normal circumstances, will not create a nuisance.
- D. **Buildings** erected for the business **shall** be designed to be in keeping with the rural character of the surrounding area
- E. One **sign** for the enterprise **shall** be allowed. The **sign shall** not exceed twelve (12) square feet in size and the **sign shall** not be lighted.
- F. The **cottage industry shall** not involve the
 - 1. generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 *et seq.*), or
 [Annotation: M.C.L. 324.11101 *et seq.* is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]
 - 2. use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2),
 except this provision **shall** not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.
- G. The volume of business is such that there **shall** not be more than two automobile(s) parked in the vicinity at a time for customers at the **home occupation**.
- H. The enterprise **shall** employ no more than two full time equivalent employees per year in addition to those who live in the **Dwelling**.
- I. Equipment, materials and waste stored outside **shall** be screened from view with vegetation, berm or **fence**, so it can not be seen from adjacent property or public **right-of-ways**.
- J. Major Home-based enterprise is listed as a possible special **use** in the respective district.

1609. Manufacturing, Trucking and Warehousing

For Manufacturing and Transportation and Warehousing:

- A. The **use** and associated activity is carried on entirely within an enclosed **building**, and, if there is a **yard** work area and storage area, it **shall** be enclosed as specified below. Whenever the Manufacturing and

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

Transportation and Warehousing property boundary is contiguous to a road, a **water body**, or another type of land **use**, then along that property boundary there **shall** be:

1. a solid wall six (6) feet, or more, high or
 2. a berm six (6) feet, or more, high or
 3. a **buffer area** of fifty (50) feet back, or
 4. a proportionately adjusted combination of the above.
- B. Odor **shall** not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the manufacturing [31-33] and trucking and warehousing [48-49] establishment.
- C. Noise **shall** not be over 60 **decibels** at the **parcel** boundary.
- D. A pollution incident prevention plan, if required by state or federal regulation, and fiscal impact study may be required by the **Commission** to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of this Ordinance.
- E. Upon review of the Special Use Permit application, the **Commission** may require upgrading of roads from the proposed establishment to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the **Commission** and applicant, upgrading of road(s) to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads **shall** be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant, **Township Board** and Lake County Road Commission.

1610. Sexually Oriented Businesses

For sexually oriented businesses:

- A. Purpose. It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such **uses** are concentrated in the same general area. It is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such **uses** into a particular location and require their dispersal throughout the commercial zone of the **Township** to thereby minimize their adverse impact to the best extent possible on any other permitted **use**.
- B. Conditions. In order to obtain and retain a special **use** permit for operation of a **sex-oriented business** regulated **use** as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special **use** permits:
1. A special **use** permit must be acquired through the special **use** procedures as described in **Section 8601**.
 2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated **uses** as specified in the respective zoning district **shall** not be located within 1,000 feet of any other such regulated **uses** as defined by this **Section**, nor within 300 feet of any residentially zoned district or preexisting residential **use** prior to enactment of the zoning districts, school, daycare center, church or other religious institution, or public park or other public facility, as measured along a line forming the shortest distance between any portion of the respective properties;
 3. The regulated **uses**, as specified in the respective zoning district, **shall** only operate between the hours of 8 a.m. and 10 p.m.;
 4. There **shall** be a manager on the premises at all times;
 5. No one under the age of 18 **shall** be allowed onto the premises by the on site manager of the regulated **use**;

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;

Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- 6. No product or service for sale or gift, or any picture or other representation thereof, which relates in anyway to "**specified sexual activities**" or "**specified anatomical areas**", **shall** be displayed so as to be visible from the street or exterior of the **building** of the regulated **use**;
- 7. Once a special **use** permit has been issued for a sexually oriented business, the regulated **use shall** only be expanded and/or otherwise amended in the manner required by **Section 8601 et. seq.** of this Ordinance;
- 8. A Special **Use** Permit for a **sex-oriented business** subject to the terms and conditions of validity set forth in **Section 8601 et. seq.** of this Ordinance.
- C. Exceptions to Conditions. The **Commission** may waive the foregoing spacing requirements if it finds all of the following conditions exist:
 - 1. The proposed **use** will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
 - 2. The proposed **use** will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;
 - 3. The establishment of the proposed regulated **use** in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
 - 4. Where all other applicable regulations within the Township Zoning Ordinance or other pertinent **Township** ordinances will be observed.

1611. Vacation Rental-Absentee Landlord








- A. A **Vacation Rental-Absentee Landlord** may be permitted as a commercial special use if occurring in **Dwelling** or may be a special use that is:
- B. A **Vacation Rental-Absentee Landlord** may be a **cottage industry**, pursuant to and in compliance with section 1608 of this Ordinance, so long as the property owner is residing at the property during the period of the short term rental, but.
- C. Shall not be a **home occupation**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 18: GENERAL ZONING DISTRICT PROVISIONS

1801. Establishment of Districts

The **Township** is hereby divided into the following zoning districts as shown on the Official Zoning Map:

- A. Special area districts:
 - 1. Wetland Conservation District 
- B. Rural, agriculture and forestry districts:
 - 1. Forest Conservation District 
 - 2. Rural Residential District
- C. Residential districts:
 - 1. Developed Residential District (R-1) 
 - 2. New Residential District (R-2) 
- D. Commercial districts:
 - 1. Commercial District 
- E. Industrial districts: (none)
- F. Overlay districts:
 - 1. River Overlay District 
 - 2. Scenic Trail Overlay District 

1802. Industrial Districts

No industrial land **use** districts are established by this ordinance for the following reasons:

- A. No such **uses** currently exist in the **Township** in sufficient number or concentrations to warrant the creation of a separate district;
- B. The *Sauble Township Master Plan* of January 2022, as amended, documents the existence of industrial zoned areas, which exceed existing industrial land area needs, within the same sphere of economic influence in which **Township** is located and
- C. The **Township** intends to comply with the *Lake County Master Plan* of 2018, as amended, "Future Land Use Plan" map (p. 34) which proposes industrial areas, none of which are in the **Township**, which exceed projected industrial land area needs, within the same sphere of economic influence in which **Township** is located.

In accordance with **Section 207** of the **Zoning Act** the Township will create such districts when the presence of a demonstrated need for such uses is established.

1803. Provision for Official Zoning Map

For the purpose of this Ordinance the zoning districts as provided in **Section 1801** of this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Sauble Township", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

1804. Identification of Official Zoning Map

The Official Zoning Map **shall** be identified by the signature of the **Supervisor**, attested by the **Township** Clerk, and bear the seal of the **Township** under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Sauble Township", together with the effective date of this Ordinance.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

1805. Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and the **Zoning Act** a change is made in a zoning district boundary, such change **shall** be made by, or under the direction of, the **Supervisor** promptly after the amendment authorizing such change **shall** have been adopted and published.

1806. Authority of Zoning Map

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which **shall** be located in the Township Hall **shall** be the final authority as to the current zoning status of any land, **parcel, lot, district, use, building or structure** in the **Township**.

1807. Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the **Township Board** may by resolution authorize the transcribing and drawing of a duplicate original Official Zoning Map which **shall** supersede the prior Official Zoning Map. The duplicate Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction **shall** have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The duplicate Official Zoning Map **shall** be identified by the signature of the **Supervisor**, attested by the **Township** Clerk, and bear the seal of the **Township** under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Sauble Township duplicated on _____ which replaces and supersedes the Official Zoning Map which was adopted on _____."

1808. Rules of Interpretation

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules of interpretation **shall** apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley or **easement shall** be construed as following such line.
- B. A boundary indicated as approximately following a recorded **parcel** line or a **property line shall** be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village or **Township shall** be construed as following such line.
- D. A boundary indicated as following a railroad line **shall** be construed as being the centerline of the railroad right of way or former railroad right of way.
- E. A boundary indicated as following a shoreline **shall** be construed as following such shoreline, and in the event of change in a shoreline **shall** be construed as following the actual shoreline.
- F. A boundary indicated as following the centerline of a **water body shall** be construed as following such centerline.
- G. A boundary indicated as parallel to, or an extension of, a feature indicated in corrections A through F above **shall** be so construed.
- H. A distance not specifically indicated on the Official Zoning Map **shall** be determined by the scale of the map.

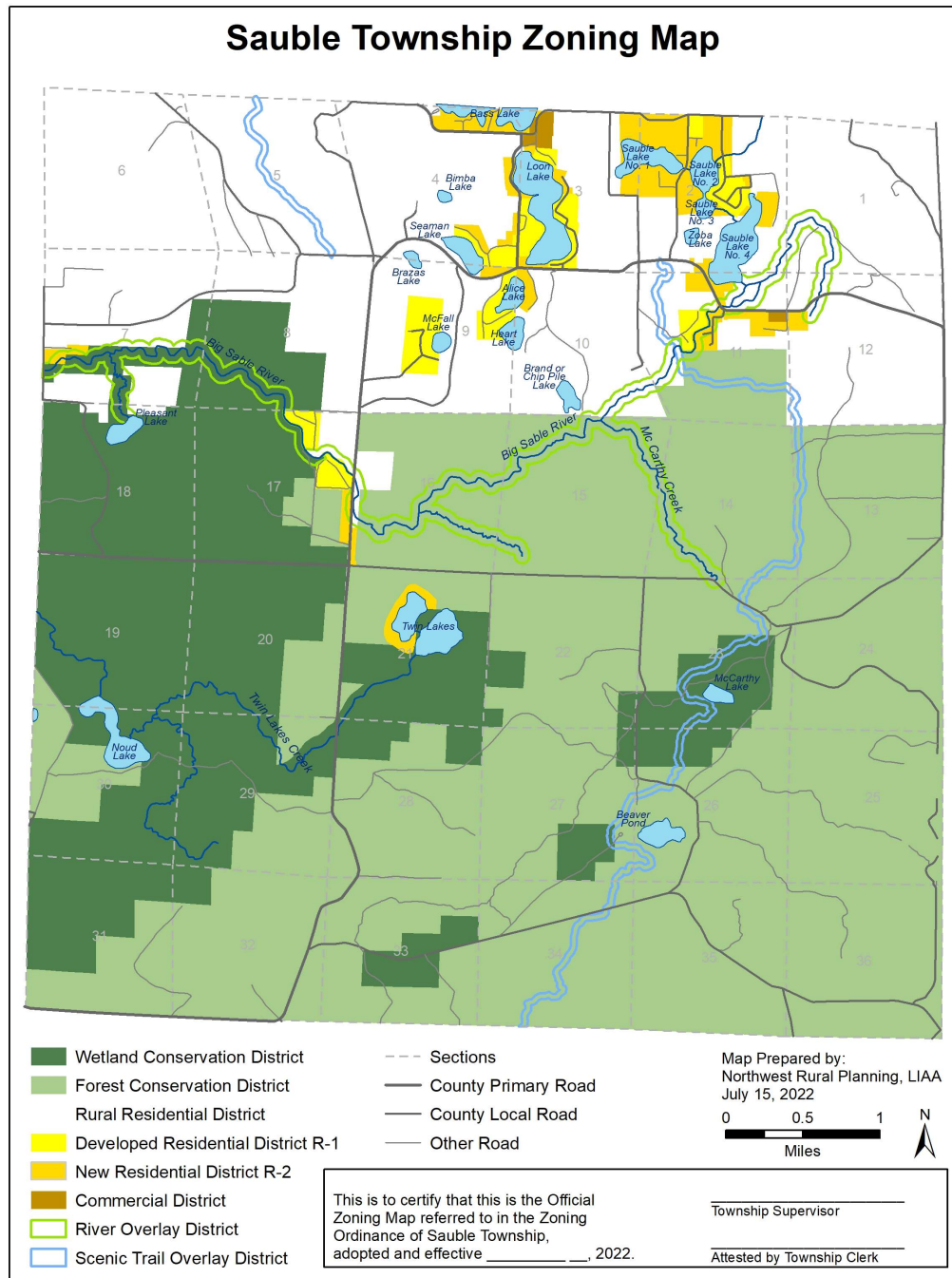
Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

-
- I. Where a physical or cultural feature existing on the ground is at **variance** with that shown on the Official Zoning Map, or in any other circumstance not covered by subsections A through H above, or question in interpreting subsections A through H above, the **Appeals Board shall** interpret the zoning district boundary.

1809. Application of Regulations

The regulations established by this Ordinance within each zoning district **shall** be the minimum regulations for promoting and protecting the public health, safety, and general welfare and **shall** be uniform for each class of land or **building, Dwellings and structures** throughout each district.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

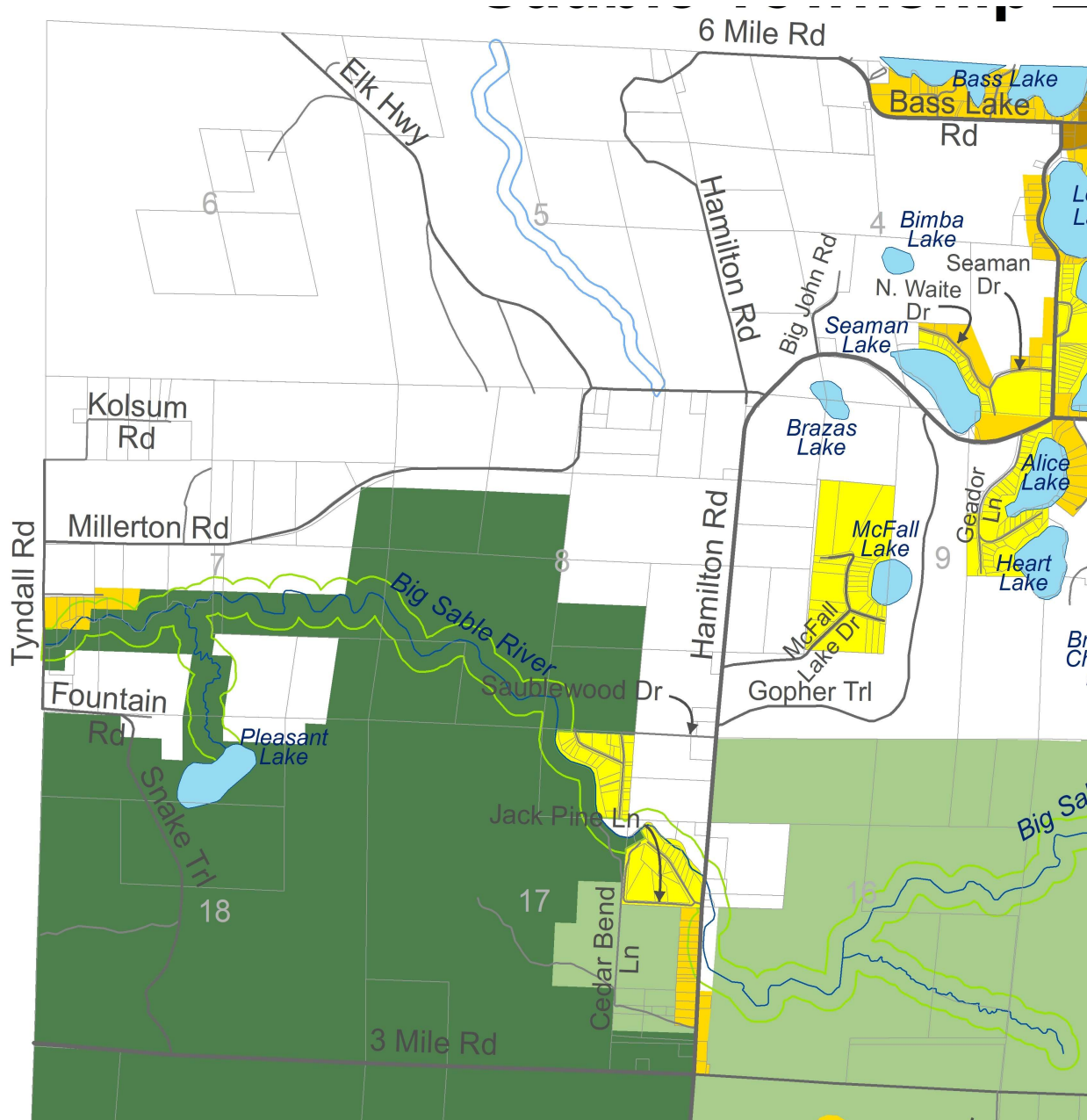


Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

Zoning Map for Northwest Quarter of Sauble Township

Sections 4, 5, 6, 7, 8, 9, 16, 17, and 18

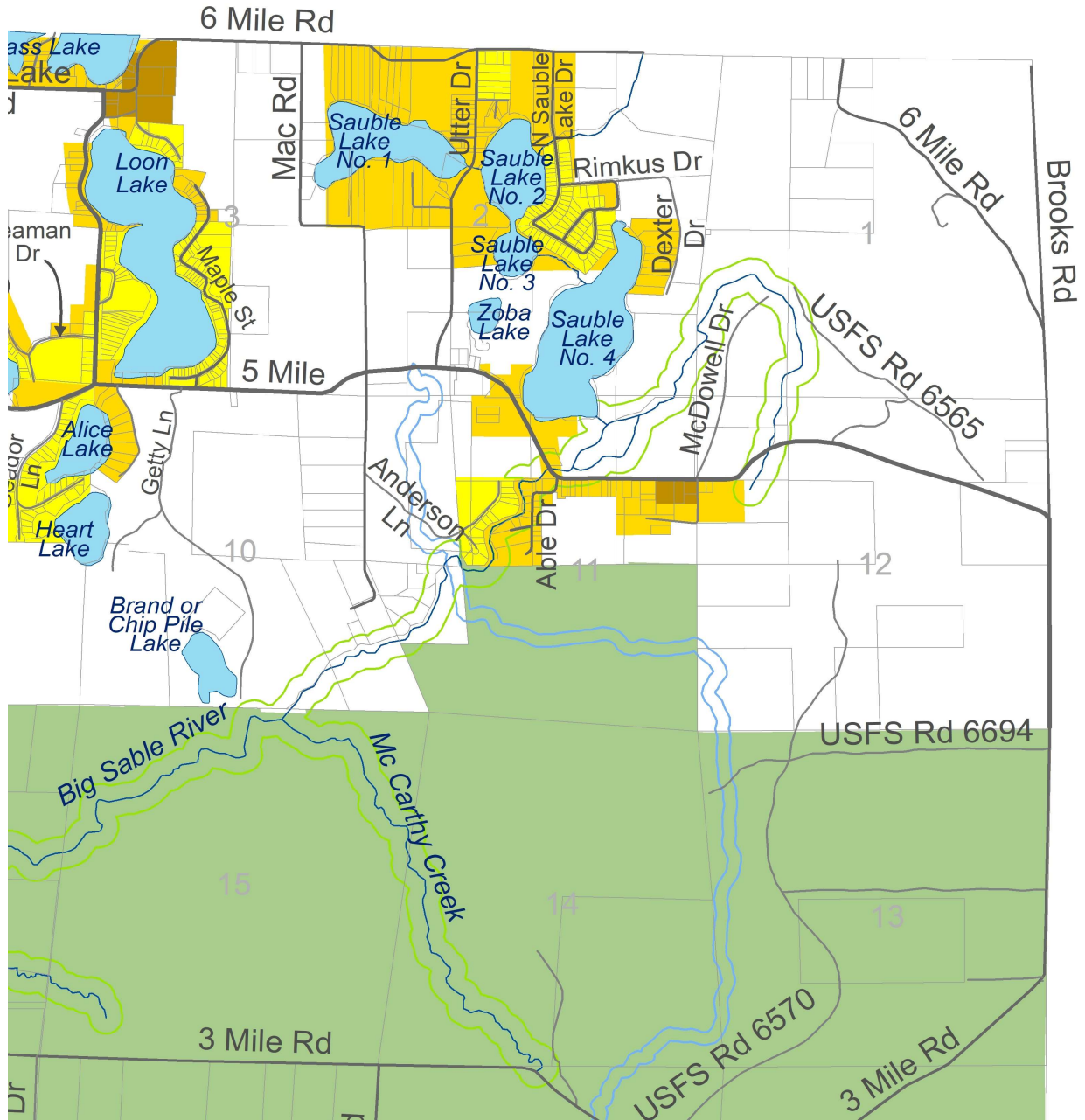
(See page 72 for key and explanation.)



Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

Zoning Map for Northeast Quarter of Sauble Township Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15.

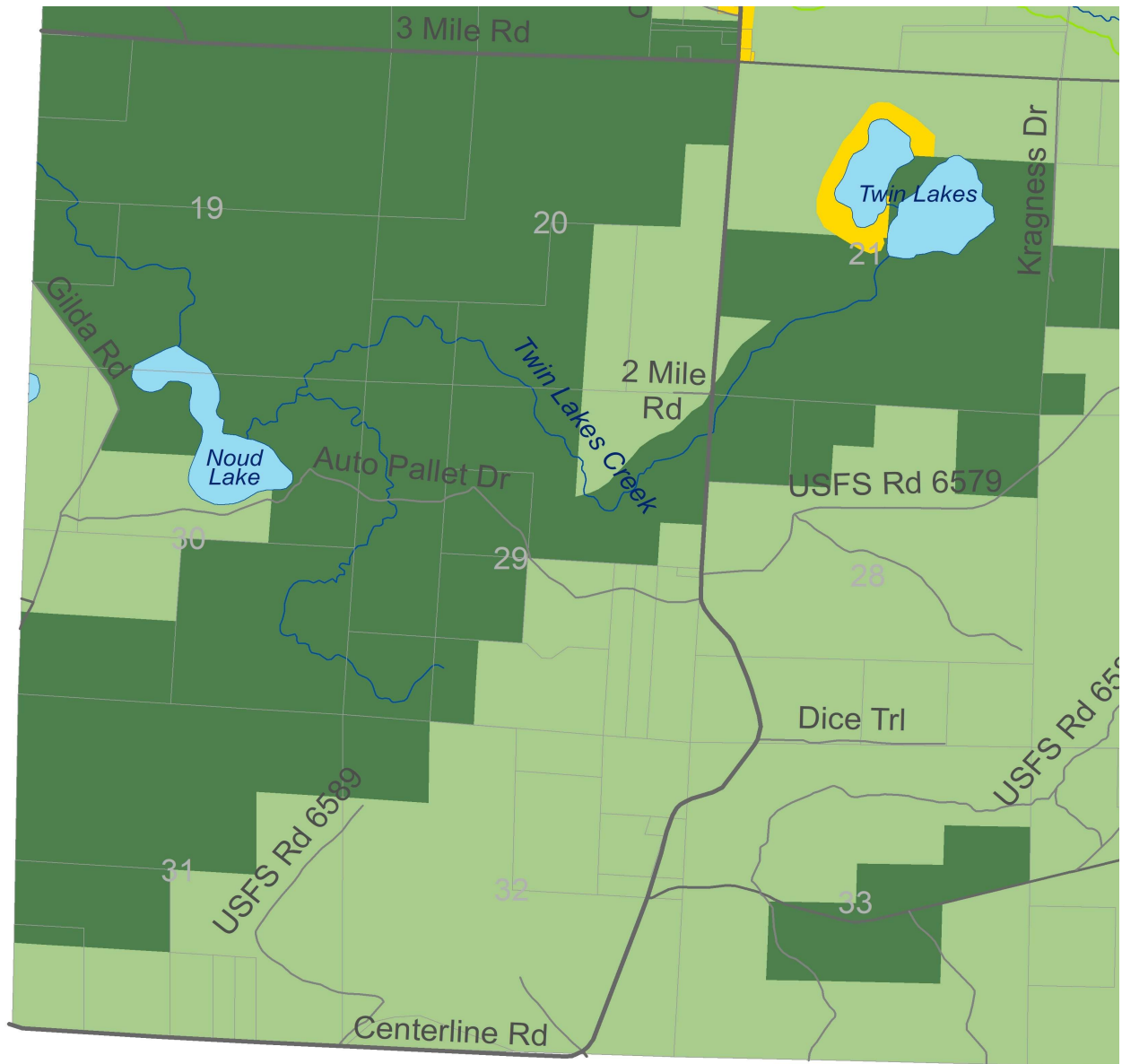
(See page 72 for key and explanation.)



Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

Zoning Map for Southwest Quarter of Sauble Township Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33.

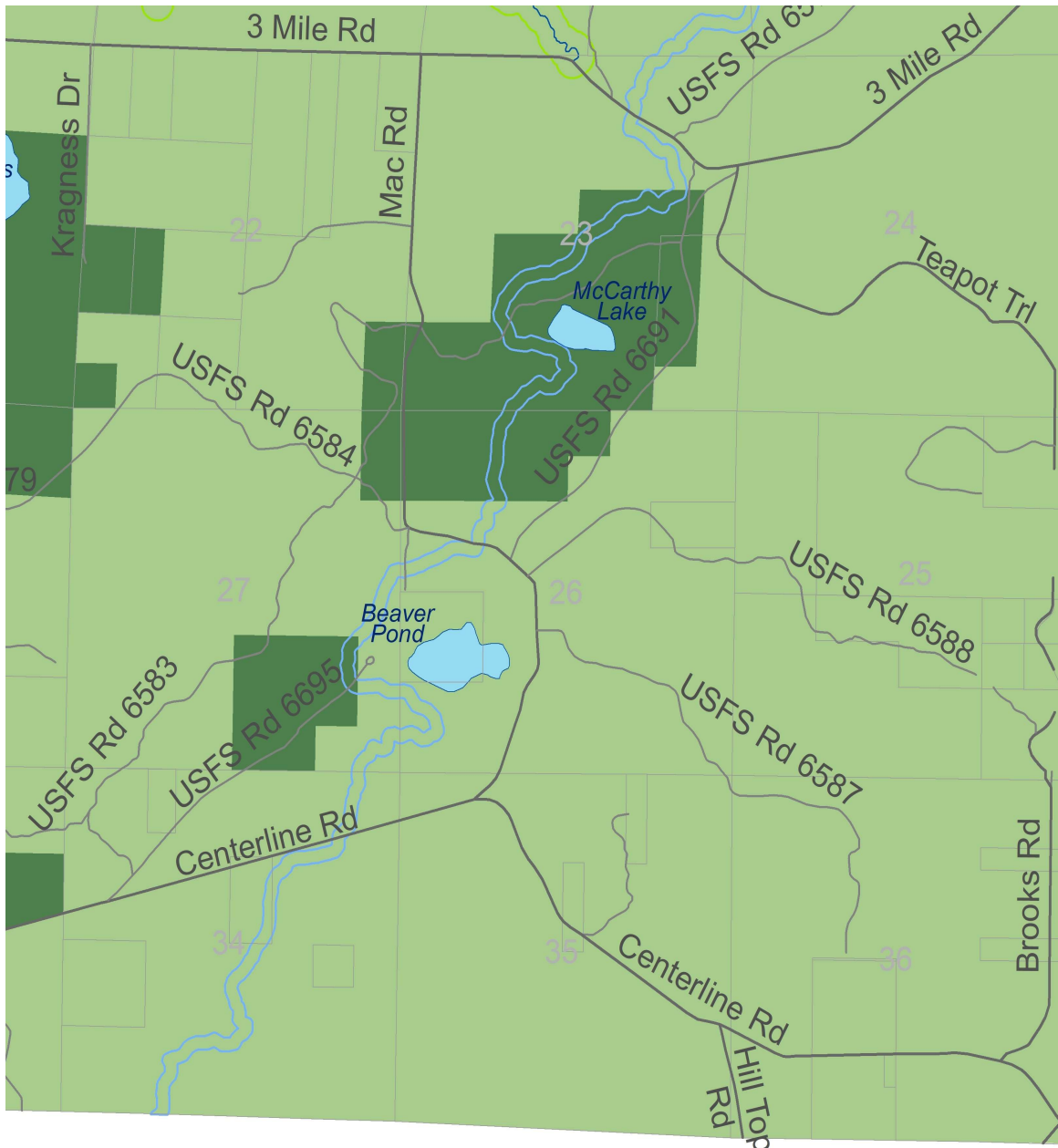
(See page 72 for key and explanation.)



Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

Zoning Map for Southeast Quarter of Sauble Township Sections 22, 23, 24, 25, 26, 27, 34, 35, and 36.

(See page 72 for key and explanation.)



Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 25: WETLAND CONSERVATION DISTRICT

2501. Purpose

It is the intent of this district to protect a special and unique area known as Cranberry-Noud-Pleasant Lakes **wetlands**, to recognize those **wetlands** are ecologically sensitive environments, to retain the **wetland's** ability to serve as a sediment filter, to retain the **wetland's** ability to, to protect fish and wildlife habitat, to provide compatible **uses** for recreation, **use** of property in compliance with the *Sauble Township Master Plan, 2021*.

2502. Permitted Uses

The following **uses** are permitted by permit in this district pursuant to **Section 8401 et. seq.** of this Ordinance:

- A. Water and **wetland** habitat-dependent game rearing operations.
- B. Federal, state and municipal game areas.
- C. **Dwellings** when located on a **parcel** of land which has frontage on an existing year-round maintained public road.
 1. **home occupation.**
 2. On waterfront **parcels**, one boat dock for private use..
- D. **Agriculture-like** (crop and chickens).
- E. **Vacation Rental.**
- F. One **accessory building** for the above (including, in addition, **Building-Integrated Solar Energy System** and **Roof-Mounted Solar Energy System**).

2503. Special Uses

The following special **uses** are permitted by a Special **Use** Permit, as specified in **Section 8601 et. seq.** of this Ordinance:

- A. (None)

2504. Regulations and Standards

The following regulations **shall** apply to all Permitted **Uses** and Special **Uses** in this District:

- A. Minimum **parcel area** - No **building, structure** or **use shall** be established on any **parcel** less than 40 acres or the size of the **parcel** on the effective date of this Ordinance, whichever is smaller.
[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
- B. **Buildable area** - Each **parcel shall** have a minimum of 15,000 square foot **buildable area** per principal unit, which **shall** not include:
 1. sand dune with slopes greater than 18 percent,
 2. beach contiguous to a lake or stream,
 3. **wetland,**
 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
 5. high risk erosion area,
 6. that part of a flood plane where flood waters are expected to have a destructive current,
 7. existing **public utility easements,**
 8. existing public rights-of-way,
 9. waterfront **setback** areas, and
 10. slopes over 25 percent.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- C. Minimum **parcel** Width - **parcel** width **shall** be no less than two hundred (200) feet or the width of the **parcel** with frontage on a public road, or the size of the **parcel** on the effective date of this Ordinance, whichever is smaller.
[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
- D. Minimum **setback** Requirements:
 - 1. The following requirements **shall** apply to every **parcel, building, structure** or **use**:
 - a. Front **yard** - The minimum front **setback shall** not be less than forty (40) feet (see definition of **setback** for how to measure).
 - b. Side **yards** - The minimum **setback** of either side **yard shall** not be less than twenty five (25) feet;
 - c. Rear **yard** - The minimum rear **setback shall** not be less than forty (40) feet.
 - d. Waterfront **yard**: See **Section** 1011 of this Ordinance.
 - 2. When a proposed non-residential or non-park **use** is contiguous to any **Dwelling**, the **parcel** owner of the proposed **use shall** establish one of the following buffers on his **parcel** adjacent to, and along the contiguous boundary of the **parcel** on which the **Dwelling** is located:
 - a. a **buffer area (setback)** of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. **Dwellings** and principal **buildings shall** be constructed in this District which contains more than six hundred seventy (670) square feet of **building area**, and is not less than twenty (20) feet on all **building** faces.
- F. No **accessory building shall** be constructed in this District which contains more than three thousand (3,000) square feet of **building area**.
- G. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) **shall** not exceed 30% of the total **parcel area**.

2505. Land Division Options.

New **parcels shall** only be created pursuant to **Section** 1204.A of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 34: FOREST CONSERVATION DISTRICT ■

3401. Purpose

It is the intent of this district to preserve large areas of forest for recreation and forestry purposes, to prevent spot development within these areas, to prevent the need to construct or upgrade roads, to encourage landowners to retain large acreage **parcels** of land for cost effective forest management purposes, to preserve large blocks of undeveloped land, while at the same time providing for limited residential **use** of land along existing public roads, to provide a natural resource for forestry industry, recreation, and compatibility with land management programs of the United States Forest Service.

3402. Permitted Uses

Only the following **uses shall** be permitted, by permit as specified in **Section 8401** of this Ordinance:

- A. **Dwellings** when located on a **parcel** of land which has frontage on an existing year-round maintained public road.
 - 1. **home occupation.**
 - 2. On waterfront **parcels**, one boat dock for private use
- B. **Agriculture-like.**
- C. **Vacation Rental.**
- D. **Outdoor recreation--parks.**
- E. **Accessory buildings, structures and uses** to the above (including **Building-Integrated Solar Energy System** and **Roof-Mounted Solar Energy System**).

3403. Special Uses

Only the following **uses shall** be permitted, by Special Use Permit as specified in 8601 of this Ordinance:

- A. **Campground.**
- B. Wood Products Manufacturing.
- C. Utility Scale Wind Energy System
- D. Telecommunications including antenna towers
- E. **Accessory buildings, structures and uses** to the above (including **Building-Integrated Solar Energy System** and **Roof-Mounted Solar Energy System**).

3404. Regulations and Standards

The following regulations **shall** apply to all Permitted **Uses** and Special **Uses** in this District:

- A. Minimum **parcel area** - No **building, structure or use shall** be established on any **parcel** less than 40 acres or the size of the **parcel** on the effective date of this Ordinance, whichever is smaller.
[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
- B. **Buildable area** - Each **parcel shall** have a minimum of 15,000 square foot **buildable area** per principal unit, which **shall** not include:
 - 1. sand dune with slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. **wetland,**
 - 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- 5. high risk erosion area,
 - 6. that part of a flood plane where flood waters are expected to have a destructive current,
 - 7. existing **public utility easements**,
 - 8. existing public rights-of-way,
 - 9. waterfront **setback** areas, and
 - 10. slopes over 25 percent.
- C. Minimum **parcel** Width - **parcel** width **shall** be no less than two hundred (200) feet or the width of the **parcel** with frontage on a public road, or the size of the **parcel** on the effective date of this Ordinance, whichever is smaller.
- [Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
- D. Minimum **setback** Requirements:
- 1. The following requirements **shall** apply to every **parcel, building, structure** or **use**:
 - a. **Front yard** - The minimum front **setback shall** not be less than forty (40) feet (see definition of **setback** for how to measure).
 - b. **Side yards** - The minimum **setback** of either side **yard shall** not be less than twenty five (25) feet;
 - c. **Rear yard** - The minimum rear **setback shall** not be less than forty (40) feet.
 - d. **Waterfront yard**: See **Section 1011** of this Ordinance.
 - 2. When a proposed non-residential or non-park **use** is contiguous to any **Dwelling**, the **parcel** owner of the proposed **use shall** establish one of the following buffers on his **parcel** adjacent to, and along the contiguous boundary of the **parcel** on which the **Dwelling** is located:
 - a. a **buffer area (setback)** of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. **Dwellings** and principal **buildings shall** be constructed in this District which contains more than six hundred seventy (670) square feet of **building area**, and is not less than twenty (20) feet on all **building** faces.
- F. No **accessory building shall** be constructed in this District which contains more than three thousand (3,000) square feet of **building area**.
- G. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) **shall** not exceed 30% of the total **parcel area**.

3405. Land Division Options.

New **parcels shall** only be created pursuant to **Section 1204.A** of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 37: RURAL RESIDENTIAL DISTRICT

3701. Purpose

It is the intent of this district to provide for areas of a rural character with a mix of forestry practices, agricultural practices, residential **uses**, resort-residential **uses** in a homogeneous manner while at the same time discouraging retail, manufacturing, wholesale, service businesses, etc. and other major institutional or community services.

3702. Permitted Uses

Only the following **uses shall** be permitted, by permit, as specified in **Section 8401** of this Ordinance:

- A. **Dwelling** including:
 - 1. **home occupation.**
 - 2. On water **parcels**, one boat dock for private use.
- B. **Vacation Rental.**
- C. Parks and Playgrounds.
- D. Riding Stable.
- E. **Agriculture**, Forestry, Fishing and Hunting, including but not limited to the following **accessory uses**:
 - 1. **Dwellings, Duplexes, and apartment buildings** for owners, operators and employees of a **agriculture land use.**
 - 2. Fresh Fruits and Vegetable Wholesalers.
 - 3. Fruit and Vegetable Markets.
 - 4. Refrigerated Warehousing and Storage.
 - 5. **Farm product** Warehousing and Storage.
- F. **Agriculture-like** (crop and chickens).
- G. Wood Products Manufacturing
- H. Kennels, animal hospitals, horse riding stables, animal boarding facilities.
- I. **Small Principal-Use Solar Energy System**
- J. **Accessory buildings** to the above (including **Accessory Ground-Mounted Solar Energy System, Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

3703. Special Uses

Only the following **uses shall** be permitted, by Special Use Permit, as specified in **Section 8601** of this Ordinance

- A. Major Home Based-Enterprise.
- B. Mining.
- C. Wood Products Manufacturing.
- D. Fruit and Vegetable Canning.
- E. Dried and Dehydrated Food Manufacturing.
- F. All Other Miscellaneous Food Manufacturing.
- G. Groceries and Related Products Wholesalers.
- H. **Farm product** Raw Material Wholesalers.
- I. Fruit and Vegetable Markets.
- J. Refrigerated Warehousing and Storage.
- K. **Farm product** Warehousing and Storage.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- L. Large indoor recreational facilities (for example but not limited to bowling alleys, skating rinks, racquet courts, athletic clubs)
- M. Theaters, religious, civic organizations.
- N. Golf Courses and Country Clubs..
- O. **Campground** and resort
- P. **Vacation Rental-absentee landlord**
- Q. Archery ranges, shooting ranges, gun and skeet clubs.
- R. **Utility Scale Wind Energy System**
- S. **Large Principal-Use Solar Energy System**
- T. Telecommunications including antenna towers
- U. **Accessory buildings** to the above (including **Accessory Ground-Mounted Solar Energy System, Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

3704. Regulations and Standards

The following regulations **shall** apply to all Permitted **Uses** and Special **Uses** in this District:

- A. Minimum **parcel area** - No **building, structure** or **use shall** be established on any **parcel** less than two (2) acres.
- B. **Buildable area** - Each **parcel shall** have a minimum of fifteen thousand (15,000) square foot **buildable area** per principal unit, which **shall** not include:
 - 1. sand dune with slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. **wetland**,
 - 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
 - 5. high risk erosion area,
 - 6. that part of a flood plane where flood waters are expected to have a destructive current,
 - 7. existing **public utility easements**,
 - 8. existing public rights-of-way,
 - 9. waterfront **setback** areas, and
 - 10. slopes over 25 percent.
- C. Minimum **parcel Width** - **parcel width shall** be no less than one hundred fifty (150) feet and it **shall** front on a public road.
- D. Minimum **setback** Requirements:
 - 1. The following requirements **shall** apply to every **parcel, building, structure** or **use**:
 - a. **Front yard** - The minimum front **setback shall** not be less than forty (40) feet (see definition of **setback** for how to measure).
 - b. **Side yards** - The minimum **setback** of either side **yard shall** not be less than twenty five (25) feet;
 - c. **Rear yard** - The minimum rear **setback shall** not be less than forty (40) feet.
 - d. **Waterfront yard**: See **Section 1011** of this Ordinance.
 - 2. When a proposed non-residential or non-park **use** is contiguous to any **Dwelling**, the **parcel** owner of the proposed **use shall** establish one of the following buffers on his **parcel** adjacent to, and along the contiguous boundary of the **parcel** on which the **Dwelling** is located:
 - a. a **buffer area (setback)** of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- d. a proportionately adjusted combination of the above.
- E. **Dwellings** and principal Buildings **shall** be constructed in this District which contains more than six hundred seventy (670) square feet of **building area**, and is not less than twenty (20) feet on all **building** faces.
 - F. No **accessory building shall** be constructed in this District which contains more than three thousand (3,000) square feet of **building area**.
 - G. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) **shall** not exceed 30% of the total **parcel area**.

3705. Land Division Options.

New **parcels shall** only be created pursuant to **Section 1204.A** of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 40: DEVELOPED RESIDENTIAL DISTRICT (R-1)

4001. Purpose

It is the intent of this district to provide for residential areas which are already developed on small **parcels**, or areas which would be rezoned to this district at the same time as construction of a public sewer or batch sewer system(s), to promote a compatible arrangement of land **uses** for homes, to keep neighborhoods relatively quiet and free from detrimental **uses**.

4002. Permitted Uses

Only the following **uses shall** be permitted, by permit, as specified in **Section 8401 et. seq.** of this Ordinance:

- A. **Dwelling.**
 - 1. **home occupation.**
 - 2. on waterfront **parcels**, one boat dock for private use.
- B. **Duplex.**
- C. **Apartment building** which have each unit with at least 720 square feet and not more than three units.
- D. **Vacation Rental.**
- E. **Agriculture-like** (crop and chickens)
- F. **Outdoor recreation--parks.**
- G. **Accessory Ground-Mounted Solar Energy System.**
- H. **Accessory buildings** to the above (including **Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

4003. Special Uses

Only the following **uses shall** be permitted, by Special Use Permit, as specified in **Section 8601 et. seq.** of this Ordinance:

- A. Retail and service establishments which are less than 1,000 square feet in size.
- B. Educational Services.
- C. Day care, residential care, convalescent homes and similar centers
- D. Social Assistance.
- E. Hair, Nail & Skin Care Services.
- F. Religious and civic organizations.
- G. **Campground** and resort
- H. **Vacation Rental-absentee landlord**
- I. **Accessory buildings** to the above.

4004. Regulations and Standards

The following regulations **shall** apply to all Permitted **Uses** and Special **Uses** in this District:

- A. Minimum **parcel area** - No **building, structure** or **use shall** be established on any **parcel** less than fifteen thousand (15,000) square feet or the size of the **parcel** on the effective date of this Ordinance, whichever is smaller. No **apartment building shall** be established on any **parcel** less than seven thousand five hundred (7,500) square feet per each **housing unit** or fifteen thousand (15,000) square feet, whichever is larger.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

- B. **Buildable area** - Each **parcel shall** have a minimum of fifteen thousand (15,000) square feet or seven thousand five hundred (7,500) square feet per each **housing unit**, which ever is greater, that does not include:
 - 1. sand dune with slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. **wetland**,
 - 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
 - 5. high risk erosion area,
 - 6. that part of a flood plane where flood waters are expected to have a destructive current,
 - 7. existing **public utility easements**,
 - 8. existing public rights-of-way,
 - 9. waterfront **setback** areas, and
 - 10. slopes over 25 percent.
- C. Minimum **parcel Width** - **parcel width shall** be no less than one hundred (100) feet and it **shall** front on a public road, or the width of the **parcel** in existence on the effective date of this ordinance, whichever is smaller.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
- D. Minimum **setback** Requirements:
 - 1. The following requirements **shall** apply to every **parcel, building, structure** or **use**:
 - a. **Front yard** - The minimum front **setback shall** not be less than twenty (20) feet (see definition of **setback** for how to measure).
 - b. **Side yards** - The minimum **setback** of either side **yard shall** not be less than ten (10) feet;
 - c. **Rear yard** - The minimum rear **setback shall** not be less than twenty (20) feet.
 - d. **Waterfront yard**: See **Section 1011** of this Ordinance.
 - 2. When a proposed non-residential or non-park **use** is contiguous to any **Dwelling**, the **parcel** owner of the proposed **use shall** establish one of the following buffers on his **parcel** adjacent to, and along the contiguous boundary of the **parcel** on which the **Dwelling** is located:
 - a. a **buffer area (setback)** of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. **Dwellings** and principal Buildings **shall** be constructed in this District which contains more than seven hundred twenty (720) square feet of **building area**, and is not less than 20 feet on all **building** faces.
- F. No **accessory building shall** be constructed in this District which contains more than 3,000 square feet of **building area**, so long as not larger in square feet than the principle structure.
- G. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) **shall** not exceed 30% of the total **parcel area**.

4005. Land Division Options.

New **parcels** may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et. seq.*) or as provided in **Section 1204.A** of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 42: NEW RESIDENTIAL DISTRICT (R-2)

4201. Purpose

It is the intent of this district to provide for more new residential areas on **parcels** large enough to accommodate on-site sewage treatment (septic tank and drain field) systems. Areas which would be rezoned to this district would be locations that do not have concurrent construction of a public sewer or batch sewer system(s), and to promote a compatible arrangement of land **uses** for homes, to keep neighborhoods relatively quiet and free from detrimental **uses**.

4202. Permitted Uses

Only the following **uses shall** be permitted, by permit, as specified in **Section 8401 et. seq.** of this Ordinance:

- A. **Dwelling.**
 - 1. **home occupation.**
 - 2. on waterfront **parcels**, one boat dock for private use.
- B. **Duplex.**
- C. **Apartment Building** which have each unit with at least 720 square feet and not more than three units.
- D. **Vacation Rental.**
- E. **Agriculture-like** (crop and chickens).
- F. **Outdoor recreation--parks.**
- G. **Accessory buildings** to the above (including **Accessory Ground-Mounted Solar Energy System, Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

4203. Special Uses

Only the following **uses shall** be permitted, by Special Use Permit, as specified in **Section 8601 et. seq.** of this Ordinance:

- A. Retail and service establishments which are less than 1,000 square feet in size.
- B. Educational Services.
- C. Day care, residential care, convalescent homes and similar centers
- D. Social Assistance.
- E. Hair, Nail & Skin Care Services.
- F. Religious and civic organizations.
- G. **Campground** and resort.
- H. **Vacation Rental-absentee landlord**
- I. **Accessory buildings** to the above (including **Accessory Ground-Mounted Solar Energy System, Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

4204. Regulations and Standards

The following regulations **shall** apply to all Permitted **Uses** and Special **Uses** in this District:

- A. Minimum **parcel area** - No **building, structure** or **use shall** be established on any **parcel** less than fifteen thousand (15,000) square feet. No **apartment building shall** be established on any **parcel** less than seven thousand five hundred (7,500) square feet per each **housing unit** or fifteen thousand (15,000) square feet, whichever is larger.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- B. **Buildable area** - Each **parcel shall** have (1) a minimum of fifteen thousand (15,000) square feet or the area of the **parcel** in existence on the effective date of this ordinance, whichever is smaller; or (2) seven thousand five hundred (7,500) square feet per each **housing unit**, which ever is greater, that does not include:
 - [Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
 - 1. sand dune with slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. **wetland**,
 - 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
 - 5. high risk erosion area,
 - 6. that part of a flood plane where flood waters are expected to have a destructive current,
 - 7. existing **public utility easements**,
 - 8. existing public rights-of-way,
 - 9. waterfront **setback** areas, and
 - 10. slopes over 25 percent.
- C. Minimum **parcel** Width - **parcel** width **shall** be no less than one hundred (100) feet.
- D. Minimum **setback** Requirements:
 - 1. The following requirements **shall** apply to every **parcel, building, structure** or **use**:
 - a. **Front yard** - The minimum front **setback shall** not be less than twenty (20) feet (see definition of **setback** for how to measure).
 - b. **Side yards** - The minimum **setback** of either side **yard shall** not be less than ten (10) feet;
 - c. **Rear yard** - The minimum rear **setback shall** not be less than twenty (20) feet.
 - d. **Waterfront yard**: See **Section 1011** of this Ordinance.
 - 2. When a proposed non-residential or non-park **use** is contiguous to any **Dwelling**, the **parcel** owner of the proposed **use shall** establish one of the following buffers on his **parcel** adjacent to, and along the contiguous boundary of the **parcel** on which the **Dwelling** is located:
 - a. a **buffer area (setback)** of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. **Dwellings** and principal **buildings shall** be constructed in this District which contains more than seven hundred twenty (720) square feet of **building area**, and is not less than 20 feet on all **building** faces.
- F. No **accessory building shall** be constructed in this District which contains more than 3,000 square feet of **building area**, so long as not larger in square feet than the principle structure.
- G. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) **shall** not exceed 30% of the total **parcel area**.

4205. Land Division Options.

New **parcels** may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et. seq.*) or as provided in **Section 1204.A** of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 50: COMMERCIAL DISTRICT ■

5001. Purpose

It is the intent of this district to provide for commercial centers in certain parts of the **Township** and to be consistent with the provisions of *Sauble Township Master Plan*.

5002. Permitted Uses

Only the following **uses shall** be permitted, by permit, as specified in **Section 8401 et. seq.** of this Ordinance:

- A. Retail
- B. Services
- C. Offices (for example but not limited to professional services, banks, insurance, real estate)
- D. Civic and religious organization
- E. Government offices and services.
- F. **Vacation Rental.**
- G. **Accessory Ground-Mounted Solar Energy System.**
- H. **Small Principal-Use Solar Energy System**
- I. **Accessory buildings** to the above (including **Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

5003. Special Uses

Only the following **uses shall** be permitted, by Special Use Permit, as specified in **Section 8601 et. seq.** of this Ordinance:

- A. **Vacation Rental-absentee landlord**
- B. Theaters, indoor
- C. Recreational facilities (for example but not limited to: bowling alley, skating rinks, athletic clubs, health spas, amusement centers, game room, billiard parlors)
- D. **Sex-oriented businesses** include any of the following or any combination of the following:
 1. **adult book and/or video store:**
 2. **adult motion picture theater**
 3. **adult mini motion picture theater**
 4. **adult paraphernalia/novelty store**
 5. **massage parlor**
 6. **host or hostess establishments**
 7. **open dance hall**
 8. **adult live entertainment establishments regardless of whether alcoholic beverages may or may not be served**
 9. **adult panorams**
- E. **Large Principal-Use Solar Energy System**
- F. **Accessory buildings** to the above (including **Building-Integrated Solar Energy System, Roof-Mounted Solar Energy System, and Solar Carport**).

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

5004. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

- A. Minimum **parcel area** - No **building, structure** or **use** shall be established on any **parcel** less than fifteen thousand (15,000) square feet.
- B. **Buildable area** - Each **parcel** shall have a minimum of 15,000 square foot **buildable area** per principal unit, which shall not include:
 - 1. sand dune with slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. **wetland**,
 - 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
 - 5. high risk erosion area,
 - 6. that part of a flood plane where flood waters are expected to have a destructive current,
 - 7. existing **public utility easements**,
 - 8. existing public rights-of-way,
 - 9. waterfront **setback** areas, and
 - 10. slopes over 25 percent.
- C. Minimum **parcel Width** - **parcel** width shall be no less than one hundred (100) feet and it shall front on a public road.
- D. Minimum **setback** Requirements:
 - 1. The following requirements shall apply to every **parcel, building, structure** or **use**:
 - a. **Front yard** - The minimum front **setback** shall not be less than twenty five (25) feet (see definition of **setback** for how to measure).
 - b. **Side yards** - The minimum **setback** of either side **yard** shall not be less than ten (10) feet;
 - c. **Rear yard** - The minimum rear **setback** shall not be less than twenty five (25) feet.
 - d. **Waterfront yard**: See **Section** 1011 of this Ordinance.
 - 2. When a proposed non-residential or non-park **use** is contiguous to any **Dwelling**, the **parcel** owner of the proposed **use** shall establish one of the following buffers on his **parcel** adjacent to, and along the contiguous boundary of the **parcel** on which the **Dwelling** is located:
 - a. a **buffer area (setback)** of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. No principal **buildings** shall be constructed in this District which contains more than thirty thousand (30,000) square feet of **building area**, and is not less than 20 feet on all **building** faces.
- F. No **accessory building** shall be constructed in this District which contains more than 3,000 square feet of **building area**, or is more than 30 feet high.
- G. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) shall not exceed 30% of the total **parcel area**.
- H. Retail and Service establishments in this district shall:
 - 1. be conducted entirely within an enclosed **building** except for parking, **signs**, arrival and departure of shipping, other incidental activities which are not permanent in nature;
 - 2. have all outside accessory and work areas enclosed by a solid wall; and
 - 3. have a principal **structure** which is 1,000 square feet in size or larger.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

5005. Land Division Options.

New **parcels** may be created pursuant to P.A. 288 of 1967, as amended, (being the Land Division Act; M.C.L. 560.101 *et. seq.*) or as provided in **Section** 1204.A of this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 72: RIVER OVERLAY DISTRICT

7201. Purpose

This overlay district is to protect certain rivers in the **Township** and other bodies of surface water in **Township** from erosion, prevention of runoff-laden pollutants, preservation of plant materials necessary for removal of nutrients prior to their entering the lake or surface water, preserving the aesthetics of a vegetated shoreline and providing for shoreline maintenance, while at the same time providing for development of the waterfront **uses** which are in compliance with the *Sauble Township Master Plan*.

7202. Area Affected

This overlay district **shall** include all lands between the following two lines:

- A. The waterfront, being a line dividing the water from the upland at the ordinary high water mark, or the actual point where the water and land meet, whichever is closer to the center of the **water body**.
- B. The rear **parcel** line (being the **parcel** line farthest landward from the waterfront) of riparian or littoral **parcels**; or, two hundred (200) feet landward and parallel to the waterfront line, which ever is closer to the waterfront.

7203. Permitted Uses

All **uses** permitted by right or potential special **uses** listed in the respective underlying district **shall** be permitted except as otherwise noted here:

- A. Privately-owned riparian or littoral land on which exists **uses** which are private or public parks, recreational facilities, clubs, which provide access to the **water's edge** for a select membership, property owners' association, property owners within an area development (but not a private business or where users reside or are lodged on the same riparian or littoral **parcel** of land on which the facilities are located) **shall** be prohibited.
- B. Docks and launch ramps for use by more than the resident of the privately-owned riparian or littoral **parcel** on which the dock and launch ramps are located (but not a marina permitted under this Ordinance) **shall** be prohibited.

Whenever other provisions of this Ordinance conflict with provisions of this **Article**, the provisions of this **Article** **shall** apply. Whenever other provisions of this Ordinance and provisions of this **Article** have similar regulations but which differ in how restrictive they are, the more restrictive of the two **shall** apply.

7204. Regulations and Standards

The following regulations **shall** apply to all Permitted **Uses** and Special **Uses** in this District:

- A. Minimum **parcel area** - No **building, structure** or **use** **shall** be established on any **parcel** less than one (1) acre (43,560 square feet).
- B. **Buildable area** - Each **parcel** **shall** have a minimum of twenty thousand (20,000) square foot **buildable area** per principal unit, which **shall** not include:
 1. sand dune with slopes greater than 18 percent,
 2. beach contiguous to a lake or stream,
 3. **wetland**,
 4. area which is not accepted by the Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Health Department,
 5. high risk erosion area,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- 6. that part of a flood plane where flood waters are expected to have a destructive current,
- 7. existing **public utility easements**,
- 8. existing public rights-of-way,
- 9. waterfront **setback** areas, and
- 10. slopes over 25 percent.
- C. Minimum **parcel** Width - **parcel** width **shall** be no less than two hundred (200) feet at the water front.
- D. Total impervious cover within the **parcel** (for example not limited to roofs, paved surfaces, compacted gravel roads) **shall** not exceed 30% of the total **parcel area**.
- E. Notwithstanding anything to the contrary contained in this Ordinance, the following provisions **shall** apply:
 - 1. When one has a manicured lawn within 11 feet of a **water body**, then within ten (10) feet of the edge of **water bodies** trees with a trunk diameter of three inches at breast height, or greater, **shall** not be removed unless dead or chronically diseased, but may be pruned for a filtered view. Other trees or **woody plant material** of a smaller diameter at breast height, **shall** not be removed, except to prune or clear a filtered view of the **water body**. It **shall** be the landowner's responsibility to maintain (and establish if necessary at the time new construction occurs) this **vegetation belt** in a healthy state.
 - 2. No **building** or **structure** **shall** be built, located or constructed within a 100 year flood plane of any **water bodies** in any land **use** district as may be determined by the **DEGLE** or **DNR**, whichever is applicable, unless constructed according to the P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*), as it applies to construction in flood planes, consistent with criteria set forth in **Section** 1910 of National Flood Insurance Program Regulations, promulgated under the National Flood Insurance Act of 1968.
- F. **Setback** for all **structures**, driveways for motor vehicles, and solid waste disposal: Fifty (50) feet landward (measured horizontally) from the waterfront line, or two (2) feet above the surface (measured vertically) of the **water body**, whichever is farther landward if the principal and **accessory structures**, if applicable, are connected to the Village sewer system. If they are not connected to the Village sewer system and use of on-site septic disposal is permitted, then the isolation distances given here **shall** be doubled.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 74: SCENIC TRAIL OVERLAY DISTRICT ¶

7400. Purpose

This overlay district is to protect the North Country Trail in the Township, to preserve the scenic and recreational nature of the trail in compliance with the *Sauble Township Master Plan*.

7401. Area Affected

This overlay district **shall** include all lands between the following two lines:

- A. The center line of the North Country Trail where it does not follow a public road.
- B. A line on either side of the North Country Trail which is one hundred (100) feet from the centerline of the trail and parallel to the centerline of the trail.

7402. Permitted Uses

- A. All **uses** permitted by right or potential special **uses** listed in the respective underlying district **shall** be permitted.
- B. Whenever other provisions of this Ordinance conflict with provisions of this **Article**, the provisions of this **Article shall** apply. Whenever other provisions of this Ordinance and provisions of this **Article** have similar regulations but which differ in how restrictive they are, the more restrictive of the two **shall** apply.

7403. Regulations

No **building** or **structure shall** hereafter be erected or enlarged unless the following regulations are complied with for and maintained in connection with such **building, structure** or enlargement.

- A. A **vegetation belt shall** be maintained within the two hundred (200) foot overlay district: fifty (50) feet on both sides of the trail. The **vegetation belt shall** consist of
 1. Trees with a trunk diameter of three inches at breast height, or greater, **shall** not be removed unless dead or chronically diseased, but may be pruned for a filtered view.
 2. Other trees or **woody plant material** of a smaller diameter at breast height, **shall** not be removed, except to prune or clear a filtered view.
 3. It **shall** be the landowner's responsibility to maintain (and establish if necessary at the time new construction occurs) this **vegetation belt** in a healthy state.
 4. Removal of trees beyond what is allowed here, may be done if following a forest management plan prepared by a professional forester which takes into account and protects the recreational qualities of the North Country Trail.
- B. **Setback** for all **structures**, driveways for motor vehicles, **signs**, and solid waste disposal **shall** be maintained within the two hundred (200) foot overlay district with a **setback** of one hundred (100) feet on both sides of the trail.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 80: NONCONFORMITIES

8001. Purpose

Within the districts established by this Ordinance or by amendments thereto, there exist **buildings** and **structures** and **uses** of **parcels**, **lots**, **buildings**, and **structures** which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. These **uses** are referred to as nonconformities and may continue until they are discontinued, damaged or removed but are not encouraged to survive. These nonconformities are declared by this Ordinance to be incompatible with the **buildings** and **structures** and **uses** of **parcels**, **lots**, **buildings** and **structures** permitted by this Ordinance in certain districts. It is further the intent of this Ordinance that such nonconformities **shall** not be enlarged, expanded or extended except as provided herein nor to be **used** as grounds for adding other **buildings** and **structures** and **uses** of **parcels**, **lots**, **buildings** and **structures** prohibited elsewhere in the same district.

8002. Regulations

No such **nonconforming use** of land **shall** be moved in whole or in part to any other portion of such land, or to a different **parcel**, not **occupied** on the effective date of adoption or amendment of this Ordinance, except as provided in **Section 8003**.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

8003. Extensions

A **nonconforming structure** and **use** may not be added to, extended, reconstructed, structurally **altered** or expanded during its life; and a **nonconforming parcel** may not be **used** or built upon; except for any one or combination of the following and subject to the following restrictions:

- A. If the nonconformity land **use** is a **use** which is not otherwise allowed in the district; then the **use** and the **structures** upon which the **use** is associated **shall** not be expanded more than fifty (50) percent in size, hours of operation or level of service, or any other extension which exists at the time of adoption of this Ordinance. Under no condition **shall** the **parcel** be expanded and the **use** be expanded to a contiguous **parcel**.
- B. If the nonconformity is that the **parcel** is too small and already has existing **uses** and **structures**; then the **structures shall** not be expanded more than:
 1. fifty (50) percent of the ground area **occupied** by the **structure** at the time of adoption of this Ordinance, or
 2. spatially possible while such expansion **shall** comply with all applicable **setback** regulations in this Ordinance.

whichever is less. Any expansion of the **structure shall** comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the **parcel** into compliance, or to lessen the nonconformity if the **use** is permitted in the zoning district.

- C. If the nonconformity is that the **parcel** is too small, and the **parcel** is vacant; then a **use** or **structure shall** not be permitted unless contiguous land is added to the **parcel**, to make the **parcel** large enough, except the **Appeals Board** may grant a **variance** if the following conditions are found to be met:
 1. It is documented by the applicant the **parcel** existed prior to the effective date of this Ordinance, and
 2. The **parcel** was not made smaller after the effective date of this Ordinance, and

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

3. It is documented by the applicant that contiguous land, or enough contiguous land, can not be purchased, and
 4. The **parcel** is large enough to accommodate required on-site sewage, if needed; well, with proper isolation; as determined by the Health Department, and
 5. Other standards for issuing a **variance** by the **Appeals Board** are met.
- [Annotation: This ordinance is effective December 2, 2022 at 12:01am.]
- D. If the nonconformity is that the **structure** is too small; then the **use shall** not be expanded more than fifty (50) percent in hours of operation or level of service, or other similar extension than what exists at the time of adoption of this Ordinance. Nothing here is intended to prevent any amount of addition to the size of the **structure**, if:
1. The size of the **structure** is the only nonconformity,
 2. The addition results in the **structure** being in full compliance, or as a second choice, closer to compliance, and
 3. No **structure shall** be replaced or reconstructed unless it results in being in full compliance except as provided in this Ordinance.

8004. Repairs and Maintenance

Nothing in this Ordinance **shall** prevent the repair, reinforcement, improvement or rehabilitation of **nonconforming structures**, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*), relative to the maintenance of **buildings** or **structures**; provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance **shall** not exceed sixty (60) percent of the replacement value of such **building** at the time such work is done; and provided, further, there **shall** be no change of **use** which would expand the nonconformity of such **building** at the time such work is commenced; and provided, further, there **shall** be no change of **use** of said **building** or part thereof.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

8005. Building Damage

- A. No **building** damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full amount insured) **shall** be repaired or rebuilt, except
1. in conformity with the non-**use** provisions of this Ordinance; and in conformity with the permitted and/or special **use** provisions of this Ordinance, or
 2. reconstruction, repair or restoration of the original **use shall** be completed within one (1) year following the damage and resumption of **use** takes place within ninety (90) days of completion. The one (1) year may be extended by the **Appeals Board** if it finds one of the following conditions to exist:
 - a. The delay was not avoidable due to weather;
 - b. The delay was a result of a criminal investigation;
 - c. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance, or
 - d. Property held in probate.
 - e. The delay was not avoidable due to contractor availability or delivery of materials arriving late.

8006. Completion

Nothing in this Ordinance **shall** require any change in the construction or intended use of a **building** or **structure**, the construction of which **shall** have been diligently prosecuted prior to the passage of this Ordinance or any amendment thereto, and the construction of which **shall** have been completed within twelve (12) months after said date of adoption.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

8007. Non-Use.

A. Any **building, structure** or land that has been **used** for nonconforming purposes but which has not intended to be continued as a **nonconforming use** by the owner **shall** not thereafter be **used** unless it conforms to the provisions of this Ordinance. The owners intent to no longer continue use of the **nonconforming use shall** be established by a preponderance of the following points of physical evidence:

1. Utilities have been disconnected
2. If there were **signs**, the **signs** have been removed or have fallen into disrepair,
3. Fixtures within and outside the **building** have been removed,
4. The property falls into disrepair,
5. U.S. Mail delivery has been terminated or mail is forwarded to another address,
6. The classification of the property for tax purposes has been changed to reflect another **use**, and
7. Other similar changes to the **nonconforming structure** or **use**.

B. Action to find a **nonconforming use** was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

1. Property held in Probate;
2. Insurance settlement in dispute; or
3. Criminal investigation.

8008. Historic Buildings

A **variance** to **Section 8003.C** of this Ordinance to expand and replace **nonconforming structures** may be granted by the Board of Appeals if any one of the following conditions is met:

- A. The proposed expansion or replacement is an enhancement of an historic district, **building**, or adjacent historic **building**.

8009. Change of Tenancy or Ownership

There may be change of tenancy, **ownership** or management of an existing **nonconforming use, building** or **structure**, provided there is no change in the nature or character of such **nonconforming use, building** or **structure**.

8010. Nonconforming Special Uses

A. There are **uses** which were permitted by right under the Sauble Township Zoning Ordinance in effect immediately prior to this Ordinance which are not permitted **uses** under this Ordinance. Of those **uses**, there are some which are listed as potential special **uses** in this Ordinance. Those existing **uses** which were permitted **uses**, and are listed as special **uses** in this Ordinance, **shall** not be considered **nonconforming uses**.

B. Those **uses**, or parts of **uses**, which exist as a permitted **use** immediately prior to this Ordinance, and are listed as special **uses** in this Ordinance **shall** be considered to be an approved existing special **use** with the configuration shown on a site plan drawn to reflect how the **use** exists at the time of adoption of this Ordinance. Parts of **uses** which are nonconforming immediately prior to the adoption of this Ordinance **shall** continue to be nonconforming under this Ordinance. A permit in existence pursuant to this subsection **shall** be known as an Pre-existing Special **Use** Permit.

C. An owner of an Pre-existing Special **Use** Permit may, at no charge to the owner, obtain from the **Commission** a certification of a site plan reflecting how the **use** exists at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over facts on what existed at the time of adoption of this Ordinance, aerial photographs flown in 2019 by Lake County or other aerial photographs, flown to the same or greater standards for georeference-mapping as the county's photos, taken after the County photos but before the adoption of this Ordinance, **shall** be given the greatest weight as evidence to establish a certified site plan. For purposes of this **Section**, the above mentioned photo(s) may be accepted as the site plan for the Pre-existing Special **Use** Permit.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

D. When a special **use** owner applies to amend the unwritten Special **Use** Permit for expansion or change, a written Special **Use** Permit **shall** be prepared for the entire **use** and **parcel**. In review of the Special **Use** Permit amendment application for expansion or change, the **Commission shall** only review and act on the expansion or change portion of the Special **Use** Permit. If the application for amendment of the Special **Use** Permit is approved, approved with conditions, denied or denied in part, the action **shall** not change or alter those parts of the special **use** that are shown on the Pre-existing Special **Use** Permit.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 82: ADMINISTRATION OF THIS ORDINANCE

8201. Purpose

It is the purpose of this **Article** to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations and enforcement of the provisions of this Ordinance and amendments thereto.

8202. Zoning Administrator

A. The provisions of this Ordinance **shall** be administered by the **Township Zoning Administrator (Administrator)**. Applicants for the office of **Administrator shall** be interviewed by the **Commission**. The **Commission shall** make its recommendations to the **Township Board** regarding the qualifications of the applicants. The **Township Board shall** appoint, from the list of applicants recommended by the **Commission**, an **Administrator** who **shall** serve for such term, subject to such conditions, and at such rate of compensation as the **Township Board shall** determine, and the duty of the enforcement of this Ordinance **shall** rest with the **Administrator** as **shall** be authorized by law.

B. Eligibility. Elected officials of the **Township** and/or members of the **Commission** and **Appeals Board shall** be ineligible for appointment to the office of **Administrator**, except as otherwise provided in **Section 8202.C**.

C. **Interim Administrator**. In the event of the resignation, death, disability, vacation or disqualification of the **Administrator**, the secretary of the **Commission shall** serve as interim **Administrator** until a new **Administrator shall** be appointed by the **Township Board**, or the existing **Administrator** again assumes his duties.

D. In issuing an order, requirement, decision or determination on any discretionary matter referred to him or upon which he is required to pass under this Ordinance, it **shall** be sufficient for the **Administrator** to reasonably conclude that in addition to the standards set forth in this Ordinance, the proposed order, requirement, decision or determination is compatible with the present **uses** of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision or determination and protects the public health, safety and welfare, and is consistent with constitutional requirements of due process and equal protection of the law.

8203. Zoning Administrator Duties

A. The **Administrator shall** submit to the **Commission** annual reports fully explaining the type and nature of **uses** permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of **nonconforming uses**, and **nonconforming structure**.

8204. Permit Fees

A. The **Township Board shall** from time-to-time establish and publish a schedule of fees for the operation of this Ordinance, including but not limited to permits, conditional **use** permits, special **use** permits, **Planned Unit Developments**, site plan reviews, demands for appeals, requests to consider amendments to this Ordinance, exhibited service by request or due to after-the-fact processing.

B. The fees **shall** have different categories for different types and **shall** be designed within in each category to cover up to, on average, all costs associated with the processing of the service provided for the fee.

C. When the **Administrator** first receives an application which may be of such a nature and complexity that review will be more involved than normal and that additional fees may be required, the **Administrator shall** act to declare

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

that is the case and refer the issue to the **Commission**. The **Commission**, by motion, may find the application requires the assistance of experts in review of specified aspects or issues of the application.

1. Additional costs are when:
 - a. The complexity of reviewing the application, in the judgement of the **Commission**, requires hiring expertise beyond that of the **Commission** or **Administrator**, such as but not limited to hiring the services of an attorney; professional planner; engineer; architect; land surveyor; environmental, traffic, marketing, and economic development experts.
 - b. The complexity of reviewing the application requires an abnormal amount of additional time by the **Administrator**
 - c. The complexity or controversy of the application results in the **Commission** being in session (holding meetings, reconvened meetings, hearings) that is more than two times on the application, or holding any special meeting on the application.
 - d. The additional review of the application is exclusively for the proposed development, and if not then the additional fee **shall** reflect the proportion amount for the proposed development and other items.
2. Upon adoption of the motion requiring additional fee, review of the application **shall** stop until the applicant has paid a minimum additional fee of one thousand (1,000) dollars. The **Township shall** deposit the additional fee with the **Township** Treasurer who **shall** keep an accurate accounting of the funds in a separate fund (which shall be deposited in a township non-interest bearing bank account). If the applicant does not deposit the required amount, no further action on the application **shall** be taken and it will be deemed denied without prejudice under **Section** 8608 of this Ordinance.
3. The **Commission shall** use the additional fee to contact and select necessary experts, receive a work proposal and estimate from the experts on their fees and costs for the application, and for the services of the expert(s).
4. At the next meeting of the **Commission**, or prior to the next meeting of the **Commission**, the **Administrator** in consultation with the Chair of the **Commission**, **shall**:
 - a. establish a budget for the services of the expert(s), meeting costs, zoning administration expenses;
 - b. send an invoice to the applicant, with an explanation the applicant **shall** provide the **Township** within ten (10) days, in writing, that
 - (1) he will withdraw the application, or
 - (2) will proceed and pay the balance of the additional fees based on the budget.
 - c. The **Township shall** deposit the additional fee with the **Township** Treasurer who **shall** keep an accurate accounting of the funds in the same fund established in **Section** 8204.C.2 of this Ordinance. If the applicant does not deposit the required amount, no further action on the application **shall** be taken and it will be deemed denied without prejudice under **Section** 8608 of this Ordinance.
 - d. The **Commission shall** use the additional fee to pay the services of the expert(s), meeting costs, zoning administration expenses.
5. Any additional actual costs incurred in processing such application **shall** be paid before permit is issued, and may be required to be payable in increments as review of the application progresses. The additional costs **shall** be for no more than the actual cost (so not additional revenue is generated) of processing the application. No part of such actual cost **shall** be returnable to the applicant. If there are any remaining monies in the account upon conclusion of the application, those monies **shall** be returned to the applicant.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

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- 6. The deposit required by this **Section** is in addition to any security required elsewhere in this Ordinance.
 - D. Other than provided for additional costs provided for above, no part of the fee **shall** be refundable.
 - E. On a case-by-case basis **Township Board** may wave part or all of any fee if the applicant is found to be indigent, an agent of the **Township**, or a non-profit civic, service, or volunteer organization in the **Township**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 84: PERMITS

8401. Land Use Permits

No land **shall** be **occupied** or **used** and no **building** or **structure shall** hereafter be erected, **altered** or relocated under the provisions of this Ordinance until a permit authorizing the **use shall** be issued by the **Administrator**.

8402. Activity Prior to Permit

No site excavation, clearing, landscaping, or promotion of the new land **use shall** occur until after the land **use** permit has been issued.

8403. Land Use Applications

A. If a **use** is listed in a respective land **use** district as a permitted **use**, anyone with an interest in a **parcel** may apply for a zoning permit under this **Section**. Zoning permit applications are made on a form prepared by the **Administrator** and presented to the **Administrator**.

B. Nothing in this Ordinance is intended to prohibit an applicant from having a preapplication meeting with the **Administrator**.

C. The **Administrator shall** require that the application include the form, copies of plans, specifications and such other information as he may deem necessary. Such other information **shall** include, but not be limited to:

1. A site plan, drawn to the specifications of **Section** 9404 or 9405 of this Ordinance.
2. The legal seating and/or sleeping capacity of all **buildings** and **structures**, if applicable.
3. A concise statement of all operations and **uses** which will be conducted on the land and **buildings**.
4. A concise statement of the services, if any, to be offered to the public, if applicable.
5. Any other information required by this Ordinance.
6. A non-refundable fee pursuant to 8204, 8204.A of this Ordinance.
7. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.

D. The application, and all the supporting documents, **shall** be kept by **Township** as part of the **Administrator's** permanent records.

E. The application and site plan, if applicable, **shall** show the proposed **use** and **structures** which will be developed in compliance with all aspects of this Ordinance.

F. Upon receipt of a zoning permit application, the **Administrator shall** review the application to insure it is complete, to coordinate its review with other agencies, if required, and act on the application within ten (10) days:

1. If the application is not complete, the **Administrator shall** return the application with a letter that specifies the additional material required.
2. If the application is complete, but is found not to conform with this Ordinance, a permit denial **shall** be sent to the applicant, in writing, listing the violations of the Ordinance, and what changes would be necessary to obtain a permit, if any changes made would make it possible for a permit to be issued.
3. If the application is complete and the proposed land **use** and **structures** are found to comply with this Ordinance, a zoning permit **shall** be issued.

G. A zoning permit **shall** be required prior to the issuance of a Michigan State Construction Code permit, issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*)

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

8404. Permit Exemptions

Section 8402, 8403, 8407 notwithstanding, a zoning permit or fee is not needed under this **Section** for the following **uses**. Nothing in this **Section** exempts or requires construction permits, other than required by P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*)

- A. Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any **building** in any manner, and the **use** of the land remains one of those listed as permitted in the respective land **use** district.
- B. Relocation or replacement of machinery or equipment within a **building** located in a commercial or industrial zone, conforming to the provisions of this Ordinance and **used** for commercial or industrial purposes, nor for any modification to such **building** in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner.
- C. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of over ground or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customers/clients, but not including regional, long distance, interstate distribution or collection systems.
- D. Open Space.
- E. Individual recreation **uses** such as boating, hiking, hunting, fishing and trapping.
- F. Plowing and planting cash crops, row crops, orchards, or **use** of land as pasture or fallow when part of a permitted **agricultural** operation on one or more **parcels** of land.
- G. Forest Management
- H. **Garden(s)**.
- I. Hedges, arbors, trees, **gardens**, plants, shrubs.
- J. Sidewalks, driveways to **Dwellings** and **Duplexes**.
- K. Domestic animal shelters.
- L. **accessory structures** to **Dwellings** and **Duplexes** which are constructed by minors, children, their parents or guardians for purposes of play by the minors and children including, but not limited to, playhouses, dollhouses, treehouses, forts, hideouts, and so on, so long as such **accessory structures** adhere to **setback** requirements of this Ordinance.
- M. Storage shed, greenhouse, hoophouse which is under 200 square feet in size.
- N. **Home occupation(s)**.
- O. **Personal property sales**.

8405. Start Work Deadline

A permit issued under this **Article** is void if the **use** is not commenced within one (1) year. A renewal may be granted by the **Administrator** after a restudy of the permit, and the applicant continues to meet all requirements for a permit.

8406. Void Permits

- A. A violation of any condition or specification in a permit issued under this **Article** **shall** void the permit.
- B. Any improper or incorrect information contained in the application for permit issued under this **Article** **shall** void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all requirements for a permit.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

8407. Occupancy Permit

Upon completion, and satisfactory final inspection by the **Administrator**, an occupancy permit **shall** be issued when required elsewhere in this Ordinance.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 86: SPECIAL USES

8601. Purpose

This Ordinance divides the **Township** into districts in which specific **uses** are permitted which are mutually compatible. In addition, there may be certain other **uses** which may be appropriate to include in a district due to the specific circumstances surrounding the **use**, the impact on neighboring **uses** and public facilities. Such **uses**, because of their particular location or the particular nature of the service offered, may be established in a district through a Special **Use** Permit.

8602. Authority to Grant Permits

The **Commission** has the authority to approve or disapprove Special **Use** Permits in accordance with this Ordinance. If approved by the **Commission**, the **Administrator** shall issue these permits.

8603. Application and Fee

A. Application for any special **use** permit permissible under the provisions of this Ordinance shall be made to the **Administrator** by filling in the official special **use** permit application form, submitted required data, exhibits and information, and depositing the required minimum fee pursuant to 8204, 8204.A of this Ordinance.

8604. Pre-Application Conference and Neighborhood Meetings:

A. The applicant, at his option, may request a meeting with the **Administrator** and not more than two members of the **Commission** before submitting an application. The purpose of the meeting is to discuss special **use** permit processing procedures, explanation of this zoning ordinance, what has been required of similar applications in the past, and to assist the applicant and **Township** with understanding of general concepts and design parameters prior to investment in preparation of a site plan or special **use** permit application. **Township** officials at this meeting shall not indicate or otherwise commit the **Township** to any particular action regarding the application.

B. The applicant, at his option, may sponsor a neighborhood meeting for those who live near the proposed special **use** permit site. The purpose of the neighborhood meeting is for the applicant to learn residents concerns and to be able to design the special **use** permit application and site plan to mitigate those concerns prior to submitting the same to the **Township**. If a neighborhood meeting is held, minutes of the meeting shall be prepared by the applicant and a copy provided to the **Commission** with the application.

8605. Information Required in Application

- A. An application for Special **Use** Permit shall include:
1. An Application form which includes, at a minimum:
 - a. The applicant's name and address.
 - b. A signed affidavit that the applicant is the owner, or has an **ownership** interest, or is acting on the owner's behalf.
 - c. The address and legal description of the property.
 - d. A specific statement and supporting information regarding the required findings for the Special **Use** Permit, as stated in **Section** 8609.
 - e. A complete description of the proposed development including: The number of **parcels** or units; and the number and characteristics of the population impact such as density, elderly **persons**, school children, tourists, **family** size, and related material as applicable.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- f. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent roads and other factors that may apply to the particular development.
 - g. Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.
 - 2. A detailed site plan as specified in **Section 9406** of this Ordinance and is prepared showing all the requirements, as approved and permitted, for all other applicable permits except for the **building**, mechanical, electric, and plumbing permits pursuant to the Michigan State Construction Code, issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, MCL 125.1501 *et seq.*). The applicant may choose to have the special **use** permit done in two steps: first a tentative approval conditioned on site plan approval before other permits are obtained, and second, site plan approval.
- B. In addition, the applicant may be required to furnish:
 - 1. Elevations on all **buildings**, including **accessory buildings**.
 - 2. An **environmental assessment**.
 - 3. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.
- C. The applicant **shall** certify that the information included is correct and that measures proposed to mitigate adverse impacts will be completed in a timely fashion, if the Special Use Permit is approved.

8606. Review for Completeness

Upon receipt of the Special Use Permit application, the **Administrator** will review the application to insure it is complete.

- A. If the application is not complete, the **Administrator** will return the application to the applicant within 10 days with a letter that specifies the additional material required.
- B. If the application is complete, except for the site plan pursuant to 8605.A.2 of this ordinance, at the applicants option the **Administrator** may find the application is not complete or the **Administrator shall** find the application is complete for purposes of reviewing and issuing a preliminary Special Use Permit only.
- C. If the application is complete, the **Administrator** and chairman of the **Commission shall** establish a date to hold a public hearing on the Special Use Permit application.

8607. Notice of Public Hearing

A. If the application is complete, the **Administrator shall** notify the following **persons** of the application being considered, so the notice is sent not less than 15 days before the date that the application will be considered and the notices sent to:

- 1. The applicant.
- 2. The owner of the property, if different.
- 3. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the **Township** or not.
- 4. Occupants of any **structures** within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the **Township** or not.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

5. The general public by publication in a newspaper which circulates in the **Township**.
 6. The members of the **Commission**.
 7. Other governments (city, township, village, county, Indian tribal government) which is located within one mile of the proposed special **use**;
 8. Other governments and county road commission and county planning commission for where the proposed special **use** is located within;
 9. Utility providers;
 10. **DEGLE** if the proposed special **use** in on property with surface water, **wetlands**, sand dunes, etc.
- B. The notice **shall** include:
1. The nature of the Special **Use** Permit being requested.
 2. The property(ies) for which the request has been made.
 3. A listing of all existing street addresses within the property(ies) which is(are) subject of the special **use**. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
 4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
 5. The date, time and location of when the hearing on application will take place.
 6. The address at which written comments should be directed prior to the consideration.
 7. For members of the **Commission** only, a complete copy of the special **use** permit application and supporting documents in the record
- C. A township, village, city, county, utility, and road agency which receives notice pursuant to this **Section** of this Ordinance may choose to submit material to the **Commission**. Such submissions **shall** be delivered to the Village at or before the hearing on the issue. Such submissions **shall** be considered advice to the Commission. The **Commission** may give extra deference to those comments as long as it does not abdicate the **Commission**'s authority. The applicant may wish to present his application to the township, village, city, county, utility, and road agency which receives notice pursuant to this **Section** prior to the hearing, or prior to submitting the application to the **Commission**.

8608. Hearing and Decision

- A. The **Commission shall** hold a public hearing to receive input on the Special **Use** Permit application.
- B. Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and **Commission**), the **Commission shall** either grant, grant with conditions, or deny the application. The decision **shall** be in writing and reflect the reasons for the decision. At a minimum the record of the decision **shall** include:
 1. A summary of public comments made at the hearing,
 2. Formal determination of the facts,
 3. The conclusions derived from the facts (reasons for the decision), and
 4. The decision which **shall** be one of the following:
 - a. grant the Special **Use** Permit,
 - b. grant with conditions the Special **Use** Permit (including a written list of all conditions upon which issuing a permit is issued or occupancy is allowed),
 - c. in the case of a preliminary Special **Use** Permit application only, pursuant to **Section** 8606.B of this ordinance, issue a Special **Use** Permit with a written list of conditions, which at a minimum **shall** include final approval of the site plan, pursuant to **Section** 8605.A.2 of this ordinance within one year,
 - d. deny the Special **Use** Permit,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

C. A special **use** permit and site plan **shall** be approved simultaneously, or a special **use** permit is issued prior to approval of a site plan and conditioned upon approval of the site plan.

8609. Special Use Permit Standards

- A. The standards for determining if a Special **Use** Permit is to be granted or not are:
 1. Is the **use** reasonable and designed to protect the health, safety and welfare of the community,
 2. Is the **use** consistent with the intent and purpose of the district,
 3. Is the **use** compatible with adjacent land **uses**,
 4. Is the **use** designed to insure that public services and facilities are capable of accommodating increased loads caused by the land **use** or activity, and
 5. Does the **use** comply with other general and specific standards in **Section** 1202, 1601 of this Ordinance, the respective district, and general provisions of this ordinance.

8610. Special Use Permit Conditions

- A. Special **Use** Permits can be granted with conditions, limitations, or additional requirements imposed by the **Commission**. Any conditions, limitations or requirements upon which approval is based **shall** be:
 1. reasonable and designed to protect natural resources, the health, safety and welfare of the public;
 2. relevant to the social and economic well-being of the owners and occupants of the **parcel** in question, of the area adjacent thereto and of the community as a whole;
 3. a valid exercise of the police power;
 4. related to the purposes which are affected by the proposed **use** or activity;
 5. consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District;
 6. designed to insure compatibility with adjacent **uses** of land and the natural environment, or
 7. designed to insure that public services and facilities affected by a proposed land **use** or activity will be capable of accommodating increased service and facility loads caused by the land **use** or activity.
- B. The **Commission shall** have the right to limit the duration of a Special Land **Use** where the same is for mining, and Sweetening Plant operation.

8611. Record of Special Use Permit

The application and all other information relating to the Special **Use** Permit **shall** be filed with the **Township** by the **Administrator**.

8612. Security Requirement

- A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the **Administrator** or **Commission** as necessary to protect natural resources or the health, safety and welfare of the residents of the **Township** and future users or inhabitants of the proposed project or project area, the **Administrator**, upon advice and consent of the **Commission**, may require
 1. a cash deposit,
 2. certified check,
 3. irrevocable bank letter of credit or
 4. surety bond,
 in an amount and under the conditions permitted by law.
- B. Such security **shall** be deposited with the **Township** Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

Administrator or **Commission** may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

C. Such security **shall** not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance with.

8613. Amendment of Special Use Permits

Amendments to Special Use Permits **shall** be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the **Administrator** and applicant, if done prior to the issuance of an occupancy permit.

8614. Transfer of Special Use Permit

A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new owner. The responsibility for effecting the transfer **shall** be the original owner. If not transferred, the original owner **shall** continue to be held responsible for any conditions, security, etc. required by the Special Use Permit. The original owner, upon transferring the Special Use Permit **shall** advise the **Administrator** of said transfer in order to insure the continued validity of the permit, compliance with security and other conditions.

8615. Construction Code Permit

A Special Use Permit **shall** be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*)

8616. Expiration of Special Use Permits

A Special Use Permit **shall** be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the Special Use Permit.
- D. If the use is not used, moved or vacated for a period of one year. Notice of the expiration **shall** be given to the property owner in writing.
- E. If the special use permit was issued, conditioned upon approval of a site plan and evidence of obtaining all other necessary permits, pursuant to **Section 8605.A.2** of this ordinance, and the site plan was not submitted after one year.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 88: PLANNED UNIT DEVELOPMENT

8801. Purpose

This **Article** recognizes that it may be desirable to modify certain restrictions of this Ordinance in the context of an innovative, efficient, **Planned Unit Development**. The rationale for this departure from normal policy is virtually the entire Ordinance is drafted in contemplation of regulating separate, individually proposed uses. Whenever it can be demonstrated the needs of the community will be better served by a private plan which combines multiple **structures** or uses on a single area, it may be possible to modify some of the regulations which inhibit such a plan without formal amendment of this Ordinance by issuing a Special Use Permit for a **Planned Unit Development**.

8802. Eligibility

No **use** shall be eligible for special treatment under this **Section** unless all of the following are determined:

- A. the application proposes a **Planned Unit Development** as defined by this Ordinance;
- B. **Planned Unit Development** of the type contemplated is authorized by Special Use Permit in the relevant District;
- C. Every **use** contemplated in the **Planned Unit Development** in the respective Districts is
 1. listed as permitted **uses** in that District,
 2. listed as special **uses** in that District, or
 3. Hotels and Other Lodging Places;
- D. If a proposed **use** in a **Planned Unit Development** is one or more of the following:
 - a. Retail Trade;
 - b. Finance, Insurance and Real Estate; and
 - c. Services establishments (except Hotels and Other Lodging Places):and is not listed as a permitted **use** or special **use** in the respective district in which the **Planned Unit Development** is proposed; the **use** may still be a part of the **Planned Unit Development** if the following conditions are met:
 2. The **use** is clearly an **accessory use** to the principal function(s) in the **Planned Unit Development**;
 3. The **use** is conducted entirely within an enclosed **building** except for parking, **signs**, arrival and departure of shipping, other incidental activities which are not permanent in nature;
 4. The **use** has all outside accessory and work areas enclosed by a solid wall;
 5. The minimum size of the **structure** is six hundred (600) square feet in **building area**; and
 6. The maximum size all **structures** (**building areas** and total interior **floor areas**, whichever is less) is three thousand (3,000) square feet in area;
- E. The open space preserved from development (by preservation easement to the **Township**, county, or land conservancy) shall be at least seventy (70) percent of the Gross acreage of the **parcel**.
- F. The proposed **Planned Unit Development** is on a **parcel** which is the larger of:
 1. twenty (20) times the size of the minimum **parcel** size in a District where the minimum **parcel** size is one acre or less, or
 2. five (5) times the size of the minimum **parcel** size in a District where the minimum **parcel** size is one acre to 15 acres, or
 3. the required minimum **parcel** size, or larger, in the respective District, or larger.Where P is minimum **parcel** size in the district

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

Where G is the minimum Gross parcel size for the **Planned Unit Development**.

$$P * 20 = G$$

If the **Planned Unit Development** is in two Districts then perform the calculation for that part of the **Planned Unit Development** in each district and multiply the result by the percent of the **Planned Unit Development** in each District and then sum the results;

where P is minimum **parcel** size in the district.

where is px is the percent of **Planned Unit Development** in each respective district.

where Rx is the Result.

where M is the Minimum **Planned Unit Development parcel** size.

$$P * 20 * p1 = R1$$

$$P * 20 * p2 = R2 \rightarrow R1 + R2 = M$$

- G. The proposed **Planned Unit Development** is on a **parcel** which **shall** have a minimum of 15,000 square foot **buildable area** per unit, which **shall not** include:
 1. sand dune with slopes greater than 18 percent,
 2. beach contiguous to a lake or stream,
 3. **wetland**,
 4. area which is not accepted by the Public Health Department with jurisdiction in Lake County for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Public Health Department with jurisdiction in Lake County,
 5. high risk erosion area,
 6. that part of a flood plane where flood waters are expected to have a destructive current,
 7. existing **public utility easements**,
 8. existing public rights-of-way,
 9. waterfront **setback** areas, and
 10. slopes over 25 percent;
 and
- H. The application is otherwise consistent with the legislative policy expressed in **Section 8801**.

8803. Procedure

- A. Applications for **Planned Unit Development** are essentially Special Use Permit applications which request a waiver of basic dimensional restrictions. Accordingly, they **shall** be processed by the **Commission** under **Section 8601 et. seq.**, except that:
 1. the specific procedures of state zoning enabling statute **shall** be followed whenever they are inconsistent with **Section 8601 et. seq.**'s procedures; and
 2. any basic restriction relating to minimum **lot** size, minimum usable **floor area**, maximum **building height** or set-backs may be modified in accordance with **Section 8804.**; and
 3. In addition to all other information required to be submitted as part of a special **use** permit application under **Section 8601 et. seq.**, the applicant for a **Planned Unit Development shall** submit, in writing, a statement outlining the steps the applicant proposes to take to insure the future non-development of the open spaces in the **Planned Unit Development**, which steps may include, but are not limited to, placement of title or the development rights to such open spaces in a

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Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
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recognized land or nature conservancy, the **Township** or other governmental body, recorded deed restrictions, or other similar steps.

B. In addition to the procedure for reviewing site plans and special **use** permits, when the application is for a **Planned Unit Development** the **Commission shall** also consult with the following agencies prior to issuing a **Planned Unit Development** special **use** permit or approving the **Planned Unit Development** site plan:

1. The Sauble Township Township Water Department, if applicable;
2. The Sauble Township Township Fire Department.
3. The Health Department sanitarian or **DEGLE**, which ever is applicable, concerning on site sewage disposal.

8804. Basic restrictions and Modification Procedure

A. The **Commission shall** calculate the gross acreage of the site proposed for the **Planned Unit Development** by dividing the gross acreage of the development by the density of principal **structures** allowed in the District.

1. When calculating available land area, all the land involved in the proposed **Planned Unit Development** may be used for gross acreage, regardless if the land is all in one zoning District or not.
2. If the gross acreage is located in more than one District, then the density **shall** be calculated separately for each area in each respective zoning district. The Product **shall** be added together to represent the density permitted for the total area of the proposed **Planned Unit Development**.

The product of that calculation **shall** be the density allowed in the **Planned Unit Development**.

where G is Gross acreage (all of the land)

where D is Density in the District

where L is the number of Living Units allowed in the **Planned Unit Development**

$$(G / D) \times 1.2 = L$$

B. The District in which most of the land is located **shall** be used to determine which District regulations dealing with parking, **setbacks**, **building height**, maximum percentage of **lot** coverage, minimum square feet of **building area** and **signs**.

C. The density obtained in **Section** 8804.A.2 represents maximum number of **Dwellings** or principal **structures** which may be permitted for development. The density **shall** be expressed as total number of living units in the **Planned Unit Development**. The following equivalents **shall** be used for density:

1. 1 living unit equals 1 **Dwelling** unit (single **family Dwelling**).
2. 2 living units equals 1 two-**family Dwelling (Duplex)**
3. 1 living unit equals 1 **Dwelling** unit in a multiple **family Dwelling** (an apartment).
4. 1 living unit equals 1 for the first 1,000 square feet of retail establishment (except Eating and Drinking places space). Plus 0.25 living units for each additional 1,000 square feet.
5. 1 living unit equals 0.5 for the first 1,000 square feet of Eating and Drinking places space. Plus 1 living units for each additional 500 square feet.
6. 1 living unit equals 1 for the first 1,000 square feet of Finance, Insurance and Real Estate establishment space. Plus 0.25 living units for each additional 1,000 square feet.
7. 1 living unit equals 1 for the first 1,000 square feet of service establishment. (except Hotels and Other Lodging Places) space. Plus 0.25 living units for each additional 1,000 square feet.
8. 1 living unit equals 4 rooms in a Hotels and Other Lodging Places.
9. 1 living unit equals 2 rooms with a kitchenette in a Hotels and Other Lodging Places.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

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- D. Following these calculations, the **Commission** then may:
1. permit clustering of development and/or allow a reduction in the size of individual **lots** within the **Planned Unit Development** below the minimum area required so long as the density for the entire available land area is not exceeded; and/or
 2. waive, wholly or in part, any minimum usable **floor area** requirement, **setback**, or maximum **building height**, specified by the restrictions of the respective District if doing so results in:
 - a. Additional public property in the development and/or public **easement** on property in the development that is acceptable to the **Township** and/or
 - b. Lower costs for installation and/or maintenance of public utilities to be owned and operated by the **Township**, and/or
 - c. Public Park land developed in or near the development, and/or
 - d. Preservation of open space and environmental (sand dune, beach contiguous to a lake or stream, **wetland**, high risk erosion area, flood plane, water **setback** areas, areas not suitable for on-site sewage disposal, slopes over 25 percent) or visual benefits to the **Township**, and/or
 - e. Enhanced recreation opportunities, and/or
 - f. Provide a particular image or appearance at the entrance way, and/or
 - g. Some other public value to the **Township**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 94: SITE PLAN

9401. Purpose

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of **buildings** and **uses** both within a site and in relation to adjacent **uses**; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the **Commission** under the provisions of a Special Use Permit and provides for the option of site plan review by the **Administrator**.

9402. Site Plan Review

A. Every application for a zoning permit **shall** include a site plan, drawn according to the specifications of this **Article**. (A demand for appeal before the **Appeals Board** **shall** include a site plan drawn according to the specifications of this **Article**.) The **Administrator** **shall** review the site plan prior to issuing a zoning permit, or the **Administrator** **shall** transmit the site plan to the **Commission** for their review.

B. There **shall** be three levels of site plans, for different complexities of proposed land **uses**:

1. A Basic Site Plan (**Section 9404**), for **Dwellings**, additions to **Dwellings** and construction of **accessory structures** to **Dwellings**. These site plans **shall** only be subject to review by the **Administrator**.
2. A Medium Site Plan (**Section 9405**), for any permitted **use** --which is not a **Dwelling**, addition to a **Dwelling**, construction of **accessory structures** to **Dwelling**-- and for any matter before the **Appeals Board** which would not need a Detailed Site Plan. The **Commission** **shall** publish policy for when a Medium Site Plan --not drawn for purposes of an Appeal-- **shall** be required to be reviewed by the **Commission** and/or a committee of the **Commission**, or the **Administrator**.
3. A Detailed Site Plan (**Section 9406**), for any Special Use, **Planned Unit Development**. These site plans **shall** only be subject to review by the **Commission**.

C. Whenever possible site plan review by the **Administrator** and **Commission** **shall** be coordinated and done simultaneously with other reviews by the **Administrator** and **Commission** on the same application.

9403. Optional Sketch Plan Review

Prior to submitting an application, or site plan, for a zoning permit an applicant may choose to submit a sketch plan for review by the **Administrator** and/or **Commission**. The sketch plan **shall** be superimposed on an air photo of the **parcel** or **shall** be a scaled drawing of the **parcel** showing the location of existing and proposed **parcel**, **parcel** boundaries, all **structures**, natural features, all improvements, streets, sidewalks, **easements** and drainage systems. The review **shall** be informal and advisory only, and not constituting any form of approval or authorization of granting any type of permit. The review **shall** be done without cost to the applicant, but must be scheduled as an item of business on the **Commission's** agenda if the sketch plan is to be reviewed by the **Commission**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

9404. Required Data for a Basic Site Plan

The Basic Site Plan **shall** be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey, of the **parcel**. The following **shall** be shown on the Basic Site Plan:

- A. The property, identified by **parcel** lines and location and size.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale, north point
- D. Natural features such as woodlot, **water bodies, wetlands**, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- E. The location of proposed and main and **accessory buildings**, existing **structures, fences** on the site, the **building height** of all **buildings** and square footage of floor space.
- F. The proposed driveway, if any.
- G. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the **Commission** issues a Special Use Permit **shall** also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)

9405. Required Data for a Medium Site Plan

The site plan **shall** be drawn to scale and **shall** be on paper which measures at least 8.5 by 11 inches, but not more than 36 by 42 inches. The drawing **shall** be such that the **Administrator** can readily interpret the site plan, and **shall** include more than one drawing where required for clarity and **shall** include the following information, unless specifically waived by the **Administrator** upon the determination that the requirements to be waived are not reasonably related to the proposed **use**.

- A. All the data required for a Basic Site Plan, spelled out in **Section 9404** of this Ordinance.
- B. The **parcel's** legal description.
- C. Boundary dimensions of natural features such as woodlot, **water bodies, wetlands**, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- D. Location dimensions of existing and proposed man-made features such as **buildings, structures**, utility **easements**, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines,
- E. Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of **parking spaces** in the off-street parking areas and the identification of service lanes, service parking and snow storage areas.
- F. Any proposed **alterations** to the topography and other natural features **shall** be indicated.
- G. Location and type of **outdoor light fixtures** including a description of the outdoor light fixture, supports, shading, baffling; and photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions; and other information necessary so it can be determined the outside light requirements of this Ordinance are complied with.
- H. Any proposed location of connections to existing utilities and proposed extensions thereof.
- I. A description of the proposed development.
- J. A vicinity map showing the location of the site in relation to the surrounding street system.

9406. Required Data for a Detailed Site Plan

A site plan which **shall** be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the **Commission** can readily interpret the site plan, and **shall** include more than one drawing where required for clarity and **shall** include the following information, unless specifically waived by the **Administrator** upon the determination that the requirements to be waived are not reasonably related to the proposed **use**. The **Commission**, upon initial review of the site plan, may act to require any information specifically waived

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

by the **Administrator** to be submitted. Such site plan **shall** be designed and prepared by a registered professional architect, landscape architect, engineer, land surveyor or community planner (or, if acceptable to the **Commission**, owner or other qualified individual). Unless so waived, all site plans **shall** include the following information:

- A. All the data required for a Basic Site Plan, set forth in **Section 9404** of this Ordinance and for a Medium Site Plan, spelled out in **Section 9405** of this Ordinance.
- B. The proposed location of any open spaces, landscaping and buffering features such as **greenbelts, fences, etc.**
- C. The location, proposed finished floor and grade line elevations.
- D. Site plans for residential development **shall** include a density schedule showing the number of **Dwelling** units per acre, including a **Dwelling** schedule showing the unit type and number of each unit type.
- E. Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site;
- F. Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the **Commission** determines that the site and **use** warrant a more critical review of topography.
- G. Generalized soil analysis data, from the modern progressive Soil Survey of Lake and Wexford Counties prepared by the United States Natural Resources Conservation Service.
- H. Soil erosion and sediment control measures which **shall** include preventative soil erosion devices or measures, both during and after any site work related to the development, when required.

9407. Required data for a site plan involving special groundwater protection provisions.

- A. All businesses and facilities which **use** or generate **hazardous substances** (except (1) fuel stored in a fuel tank which is part of a motor vehicle for purposes of **use** by that vehicle's motor, (2) materials in a five gallon, or smaller, pre-packaged sealed containers and is for purposes of resale and located inside a retail establishment):
 - 1. in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less**shall** be subject to site plan review requirements.
- B. In addition to all the data required for a Basic Site Plan, set forth in **Section 9404**, Medium Site Plan set forth in **Section 9405**, or a Detailed Site Plan set forth in **Section 9406**, whichever is applicable; the following **shall** also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and **structures** to be used for storage, use, loading/unloading, recycling, or disposal of **hazardous substances**.
 - 2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - 3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes **shall** be specified on the site plan.
 - 4. Location of all water wells on the site and within 150 feet surrounding the **parcel's** property boundaries.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

5. Delineation of areas on the **parcel** which are known or suspected to be contaminated, together with a report on the status of site cleanup.
6. Submission of the "Hazardous Substances Reporting Form for Site Plan Review".
7. Submission of the "State/County Environmental Permits Checklist".

9408. Site Plans for Utility-Scale Wind Energy System.

In addition to the requirements for a site plan found in **Sections** 9402.B.2, 9405, and 9406 of this Ordinance, Site plans and supporting documents for permanent **anemometer tower** or **utility-scale wind energy system** shall include the following additional information:

- A. Documentation that construction code, tower, interconnection (if applicable), and safety requirements have been reviewed and the submitted site plan is prepared to show compliance with these issues as applicable:
 1. Proof of the applicant’s public liability insurance for the project.
 2. A copy of that portion of all the applicant’s lease(s) with the land owner(s) granting authority to install the **anemometer tower** and/or **utility-scale wind energy system**; legal description of the property(ies).
 3. The construction schedule including details of all phases.
 4. Participating and **non-participating parcels** within the project area boundary and **non-participating parcels** extending a quarter-mile beyond the edge of the project boundary.
 5. The location, **height**, and dimensions of all existing and proposed **structures** and fencing.
 6. The location, grades, and dimensions of all temporary and permanent roads from the nearest county or state maintained road.
 7. The location, grade, and dimension of all temporary or permanent **laydown areas** for turbine component parts (if in a central location).
 8. All new infrastructure above ground related to the project.
 9. A copy of Manufacturers’ Material Safety Data Sheet(s) which **shall** include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- B. Sound Modeling Study: A copy of a predictive noise modeling and analysis report showing sound levels at various distances. The modeling must show compliance with sound standards applicable to this ordinance. The modeling study **shall** use turbine locations identical to the site plans submitted with this application. The analysis will show that the **wind energy system** will not exceed the permitted **sound pressure levels** under any conditions. The noise modeling and analysis should utilize the methods outlined in **ISO 9613-2** (or most recent version), including sound power levels determined using **IEC 61400-11**.
- C. Transportation Plan: A detailed road modification plan to accommodate delivery of components of the **wind energy system** along existing and proposed roads and return of those roads and adjacent lands to their original condition after construction.
- D. Visual Impact Simulation and Materials: A visual impact simulation showing the completed **wind energy system** from multiple angles, locations and scales. The simulation should show the non-reflective, low-gloss finish of a finished turbine and be a neutral color such as white, off-white, or gray. The application **shall** include a sample of finished component materials to demonstrate finish and color of **wind turbine** components.
- E. Environment Analysis: An analysis by a third party qualified professional **shall** be included in the application to identify and assess any potential impacts on the natural environment including, but not limited to **wetlands** and other fragile ecosystems, historical and cultural sites, and antiquities. The analysis **shall** identify all appropriate measures to minimize, eliminate or mitigate adverse the impacts identified and

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- show those measures on the site plan, where applicable. The applicant **shall** identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- F. Avian and Wildlife Impact Analysis: The application **shall** include an Avian and Wildlife Impact Analysis by a third party qualified professional to identify and assess any potential impacts on wildlife and endangered species. The applicant **shall** take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis, and **shall** show those measures on the site plan. The applicant **shall** evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The analysis must show consultation and evaluation based on applicable U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines (2012 or latest version).
 - 1. At a minimum, the analysis **shall** include a thorough review of existing information regarding species, potential habitats, and sites requiring special scrutiny (such as endangered or threatened species habitat or other known special habitat) in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis **shall** include the potential effects on species listed under the federal Endangered Species Act and Michigan’s endangered species protection laws (NREPA, Act 451 of 1994, Part 365).
 - 2. The analysis **shall** indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted.
 - G. **Shadow Flicker Study:** The application **shall** include a **shadow flicker** analysis extending 20 times the **rotor** diameter (whichever is less) from proposed **wind turbine** generator locations. The study **shall** indicate all modeling assumptions. The site plan and study **shall** describe the predicted annual amount of flicker on inhabited **structures** on non-participating properties impacted by **shadow flicker**. The study **shall** detail one, or more mitigation strategies to comply with the 30 hour per year regulation.
 - H. Decommissioning Plan: A decommissioning plan **shall** be included in the site plan application.
 - I. Complaint Resolution Plan: The application **shall** include a description of a complaint resolution process including forms, phone numbers, and timelines for complaint referral, response, and resolution. The plan must be approved by the **Commission**.

9409. Site Plan for Solar Energy Systems.

In addition to the requirements for a site plan found in **Sections** 9402.B.2, 9405, and 9406 of this Ordinance, Site plans and supporting documents for Solar Energy Systems **shall** include the following additional information:

- A. The location of all **Solar Arrays**, including **setbacks**, the width of arrays and distance between arrays plus total height and height to the lowest edge above grade, ancillary **structures** and electric equipment, utility connections, and **housing units** on the property and within 150 feet of the **property lines, participating parcels and Non-Participating Parcels**, existing and proposed **structures**, buried or above ground wiring, temporary and permanent access drives, **fencing** detail, screening/landscape detail, berm detail, and **signs**.
- B. Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
- C. Sound modeling study including sound isolines extending from the sound source(s) to the **property lines** of adjoining **Non-Participating Parcels**.
- D. One of the following:
 - 1. For a Small Principal-Use **Solar Energy System**, a decommissioning plan including a description of which above-grade and below-grade improvements will be removed, retained, or restored for viable reuse of the property consistent with the zoning district.
 - 2. For a **large Principal-Use Solar Energy System**,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- a. a decommissioning plan including a description of which above-grade and below-grade improvements will be removed, retained, or restored for viable reuse of the property consistent with the zoning district,
 - b. the projected decommissioning costs for **Solar Energy System** removal (net of salvage value in current dollars) and soil stabilization, less the amount of the surety bond posted with the State of Michigan for decommissioning of panels installed on PA 116 lands, and
 - c. the method of ensuring that funds will be available for site decommissioning and stabilization (in the form of surety bond, irrevocable letter of credit, cash deposit).
- E. Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
- F. For a **large Principal-Use Solar Energy System**, additional studies may be required by the **Commission** if reasonably related to the standards of this ordinance as applied to the application site, including but not limited to [select those most applicable to your community; these do not directly link to standards in the sample language, but may be helpful in evaluating conformance with other ordinance standards]:
1. **Visual Impact Assessment:** A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project, the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.
 2. **Environmental Assessment:** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to **wetlands** and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis **shall** identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
 3. **Stormwater Study:** An analysis by a third-party qualified professional that takes into account the proposed layout of the **Solar Energy System** and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event (storm). Percolation tests or site-specific soil information **shall** be provided to demonstrate infiltration on-site without the use of engineered solutions.
 4. **Glare Study:** An analysis by a third-party qualified professional to determine if glare from the **Solar Energy System** will be visible from nearby residents and roadways. If required, the analysis **shall** consider the changing position of the sun throughout the day and year, and its influence on the **Solar Energy System**.

9410. Submission of a Site Plan

Three (3) copies of a site plan **shall** be submitted with a zoning permit application to the **Administrator**. In the case where a committee of the **Commission** or the **Commission** is reviewing the site plan, eight (8) copies of the site plan **shall** be submitted to the **Administrator**.

9411. Review for Completeness.

The **Administrator shall** review the site plan received to insure it is complete, and contains all the elements required by this Ordinance. Such finding **shall** be done concurrently with similar required findings that a zoning application is complete.

- A. If the site plan is not found to be complete, the **Administrator shall** return the site plan to the applicant within 10 days with a written list of items needed to make the site plan complete.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

- B. If the site plan is found to be complete, the **Administrator shall**:
 - 1. Only as applicable, forward copies of the site plan to the Township Engineer, County Road Commission, Township Department of Public Works, County Soil Erosion Inspector, County Drain Commissioner, County Health Department, Michigan Department of Highways, for their recommendations to be subsequently forwarded with the site plan, and
 - 2. Determine if the site plan is to be reviewed and acted upon by him, and then do so, or
 - 3. Determine if the site plan is to be reviewed and acted upon by the **Appeals Board**, and then forward the copies of the site plan to each member of the **Appeals Board** a week prior to their meeting, or
 - 4. Determine if the site plan is to be reviewed and acted upon by the **Commission** or a committee of the **Commission**, and then set up a site plan review meeting and forward the copies of the site plans to each member of the **Commission** (or a committee of the **Commission**) a week or more prior to the **Commission's** meeting.

9412. Standards for Site Plan Review

The following standards **shall** be used by the **Commission** and **Administrator** to review site plans:

- A. All applicable regulations of this Ordinance which apply generally to all districts, and all applicable regulations of this Ordinance which apply to the specific zoning district, to any conditions imposed with the granting of a Special Use Permit or **variance**, **shall** be shown on the site plan as being complied with.
- B. All utility **easements shall** be distributed on site in a manner which is least harmful to surrounding properties. Electric, telephone, coaxial cable and other lines **shall** be located underground unless this requirement is specifically waived by the **Administrator, Commission** or **Appeals Board** upon review of the site plan.
- C. Water lines, sewer lines, all provisions of surface water drainage **shall** be approved by the **Township** and designed in compliance with any applicable federal and state statute, **Township** and county ordinance.

9413. Approval and Compliance

A. In cases where the **Administrator** reviews the site plan pursuant to **Section 9402**; within seven (7) days of the site plan being found complete, as specified in **Section 9411**, the **Administrator shall** act to approve, approve with modifications, or disapprove the site plan in writing with reasons.

B. In cases where the **Commission**, or a committee of the **Commission**, reviews the site plan; within sixty (60) days of the site plan being found complete, as specified in **Section 9411**, the **Commission shall** act to approve, approve with modifications, or disapprove the site plan in writing with reasons.

C. The action **shall** be recorded in a record of the zoning application and **shall** be filed with the **Administrator**. The **Administrator** or **Commission shall** notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, **shall** be given to the applicant, in writing, attached to the rejection. If the **Administrator** or **Commission** does not act on the site plan, and put its action in writing within the prescribed time, the site plan **shall** be conclusively presumed to have been approved. If the proprietor and **Administrator** or **Commission** mutually agree, the time limit may be extended.

9414. Conditions of Site Plan Approval

A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions **shall** be shown on the approved site plan and/or **shall** be in writing.

- B. Reasonable conditions may include conditions necessary to:
 - 1. insure that public services and facilities affected by a proposed land **use** or activity will be capable of accommodating increased service and facility loads caused by the land **use** or activity,

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

- 2. protect the natural environment and conserve natural resources and energy,
 - 3. insure compatibility with adjacent **uses** of land, and
 - 4. promote the **use** of land in a socially and economically desirable manner.
- C. Conditions imposed **shall** meet all of the following requirements:
- 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land **use** or activity under consideration, residents and landowners immediately adjacent to the proposed land **use** or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed **use** or activity.
 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land **use** or activity under consideration, and be necessary to insure compliance with those standards.

9415. Security Requirement

A. To insure compliance with the site plan and Ordinance and any conditions, limitations or requirements imposed by the **Administrator** or **Commission** as necessary to protect natural resources or the health, safety and welfare of the residents of the **Township** and future users or inhabitants of the proposed project or project area, the **Administrator** or the **Commission** may require

- 1. a cash deposit,
- 2. certified check,
- 3. irrevocable bank letter of credit or
- 4. surety bond.

in an amount and under the conditions permitted by law.

B. Such security **shall** be deposited with the **Township** Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the **Administrator** or **Commission** may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

C. Such security **shall** not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to insure compliance.

9416. File Copies

At least two (2) copies of the site plan, all accompanying documents, record of approval, list of conditions, security **shall** be kept by the **Township** for its records.

9417. Zoning Permits

No zoning permit or Michigan Construction Code building permit, issued pursuant to P.A. 230 of 1972, as amended, (being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*), **shall** be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9418. Amendment of Site Plan

An application may be considered to amend an existing site plan, and **shall** be handled in the same manner as the initial site plan review prescribed by **Section** 9401 *et. seq.* of this Ordinance. By mutual agreement between the **Township** and applicant, minor nonsubstantive changes may be made to an existing approved site plan if such change is sought prior to the issuance of an occupancy permit for work authorized by the Special Use Permit.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
 Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 96: APPEALS BOARD

9601. Appeals Board Established

There is hereby established an **Appeals Board**, which **shall** perform its duties and exercise its powers as provided in the **Zoning Act**, in such a way the objectives of this Ordinance **shall** be enforced, the public health and safety secured, and substantial justice done.

9602. Duties of the Appeals Board

The **Appeals Board shall** hear and decide such matters as the **Appeals Board** is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, **variances**, interpretation of Ordinance text and map.

9603. Variance

A **variance** from the terms of this Ordinance **shall** not be granted by the **Appeals Board** unless and until:

- A. A written application for a **variance** is submitted, demonstrating:
 1. That special conditions and circumstances exist which are peculiar to the land, **structure**, or **building** involved and which are not applicable to other lands, **structures**, or **buildings** in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the **variance** will not alter the essential character of the area.
- B. No nonconforming **use** of neighboring lands, **structures**, or **buildings**, in the same district, and no permitted **use** of lands, **structures** or **buildings** in other districts **shall** be considered grounds for the issuance of a **variance**.
- C. The **Appeals Board shall** make findings that the requirements of this Ordinance have been met by the applicant for a **variance**.
- D. The **Appeals Board shall** further make a finding that the reasons set forth in the application justify the granting of the **variance**, and the **variance** is the minimum **variance** that will make possible the reasonable **use** of the land, **building**, or **structure**.
- E. In granting any **variance**, the **Appeals Board** may prescribe appropriate conditions and safeguards in conformity with this Ordinance and including requirements for a **buffer area**, **greenbelt**, **vegetation belt**. Violations of such conditions and safeguards, when made a part of the terms under which the **variance** is granted, **shall** be deemed a violation of this Ordinance and punishable under **Section 9804**.

9604. Voiding of and Reapplication for Variance

The following provisions **shall** apply:

- A. Each **variance** granted under the provisions of this Ordinance **shall** become null and void unless:
 1. The construction authorized by such **variance** or permit has begun within one (1) year after the granting of such **variance** and pursued diligently to completion; or
 2. The occupancy of land or **buildings** authorized by such **variance** has taken place within one (1) year after the granting of such **variance**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

- B. No application for a **variance** which has been denied wholly or in part by the **Appeals Board** shall be resubmitted except on grounds of new evidence or proof of changed conditions found by the **Appeals Board** to be valid.

9605. Interpretation of Ordinance Text

A. Interpretation - Pursuant to the requirements of the **Zoning Act**; nothing contained herein **shall** be construed as prohibiting the **Appeals Board** from interpreting the text of this Ordinance in such a fashion that will allow in a land **use** district **buildings, uses and structures** which are sufficiently similar to the specifically delineated permitted or special **uses** in that land **use** district, under the same permitted or special **use** regulations. Such interpretation **shall** not have the effect of granting a **variance** but rather **shall** be deemed only to be an interpretation of the Ordinance text.

B. Standards - In determining whether a proposed **building, use or structure** is sufficiently similar to a specifically delineated permitted or special **use**, the **Appeals Board** shall consider the relevant policies for the Land Use District in question as set forth in the Master Plan, the nature, **use** and purpose of the proposed **building, use or structure** and whether or not the proposed **building, use or structure** is a permitted or special **use** in any other Land Use District.

C. Precedent - An earlier determination under this **Section** shall be considered a precedent for other applications proposing an identical **building, use or structure** in the same Land Use District, provided the earlier determination was made with respect to a **building, use or structure** sufficiently similar to a specifically delineated permitted **use** in the Land Use District and not with respect to a specifically delineated special **use**. An earlier determination with respect to an identical, sufficiently similar special **use** shall be considered as a precedent only to the extent that such sufficiently similar special **use** shall be considered as a candidate for a Special Use Permit in that Land Use District, but **shall** otherwise be subject to all requirements of **Section** 8609.

9606. Appeals to the Appeals Board

- A. A demand for a zoning appeal is received by the **Administrator**. Appeals can be filed by:
 - 1. **person** aggrieved, or
 - 2. an officer, department, board, or bureau of the state or local unit of government.
- B. The **Appeals Board** shall have the authority to hear appeals concerning:
 - 1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - 2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
 - 3. All decisions of the **Administrator**.
 - 4. All decisions concerning site plan review.
- C. Upon receipt of a demand for appeal, the **Administrator** will review the demand for appeal to insure it is complete and the fee is paid.
 - 1. If the application is not complete, the **Administrator** will return the application to the applicant with a letter that specifies the additional material required.
 - 2. If the application is complete, the **Administrator** and chairman of the **Appeals Board** shall establish a date to hold a hearing on the appeal.
- D. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
- E. The notices **shall** be given not less than 15 days before the date of the hearing on an appeal.
 - 1. notices **shall** be sent to:

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- a. The individual demanding the appeal.
 - b. The owner (or other owners) of the property, if different.
 - c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction or not.
 - d. Occupants of any **structures** within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction or not.
 - e. The general public by publication in a newspaper which circulates in the **Township**.
 - f. Members of the **Appeals Board**.
2. The notice **shall** include:
- a. The nature of the zoning amendment being requested.
 - b. The property(ies) for which the appeal or **variance** has been made.
 - c. A listing of all existing street addresses within the property(ies) which is(are) subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
 - d. The location where the demand for appeal can be viewed and copied prior to the date the zoning amendment hearing.
 - e. The date, time and location of when the hearing before the **Appeals Board** will take place.
 - f. The address at which written comments should be directed prior to the hearing.
 - g. For members of the **Appeals Board** only, a copy of the demand for appeal, the entire record on the case, the staff report, and supporting documents in the record.
- F. **The Appeals Board shall** hold a hearing on the demand for appeal.
- 1. Representation at Hearing - Upon the hearing, any party or parties may appear in **person** or by agent or by attorney.
 - 2. Standards for **variance** Decisions by the **Appeals Board**:
 The **Appeals Board shall** base its decisions on **variances** from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:
 - a. For Dimensional **variances**: A dimensional **variance** may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - (1) That the need for the requested **variance** is due to unique circumstances or physical conditions of the property involved, such as narrowness, **shallowness**, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - (2) That the need for the requested **variance** is not the result of actions of the property owner or previous property owners (self-created).
 - (3) That strict compliance with regulations governing area, **setback**, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- (4) That the requested **variance** is the minimum **variance** necessary to do substantial justice to the applicant as well as to other property owners in the district.
- (5) That the requested **variance** will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
- b. For **Use variances**: Under no circumstances **shall** the **Appeals Board** grant a **variance** to allow a **use** not permissible under the terms of this Ordinance in the district involved, or any **use** expressly or by implication prohibited by the terms of this Ordinance in said district.
- G. If the demand for appeal is for a **variance** the **Appeals Board shall** either grant, grant with conditions, or deny the application. The **Appeals Board** may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the **Appeals Board** is necessary to grant a dimensional **variance** and rule on an interpretation of the ordinance. A $\frac{2}{3}$ majority vote of the membership of the **Appeals Board** is necessary to grant a **use variance**. The decision **shall** be in writing and reflect the reasons for the decision.
 - 1. At a minimum the record of the decision **shall** include:
 - a. Formal determination of the facts,
 - b. The conclusions derived from the facts (reasons for the decision)
 - c. The decision.
 - 2. Within eight days of the decision the record of the decision **shall** be certified and a copy delivered by first class mail to the **person** demanding the appeal, the **Administrator**, and other parties.
- H. Decisions of the **Appeals Board** and Appeals to the Circuit Court - The **Appeals Board shall** decide --by an affirmative vote of a majority of all its members-- upon all matters appealed within sixty days of the receipt of a demand for appeal, and fee pursuant to 8204, 8204.A of this Ordinance by the **Administrator**, unless mutually agreed by both parties to extend the time, and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and **shall** make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end **shall** have all the powers of the **Administrator**, or **Commission**, from whom the appeal is taken for administration and enforcement of this Ordinance. The **Appeals Board** decision of such appeals **shall** be in the form of a resolution containing a full record of the findings and determination of the **Appeals Board** in each particular case.
- I. Any **person** having an interest affected by such decision **shall** have a right to appeal to Circuit Court within 30 days of the certified decision of the **Appeals Board**, as provided by law.

9607. Appeals Board Members

- A. The **Appeals Board shall** consist of the following five (5) members:
 - 1. First member **shall** be a member of the **Commission** appointed by the **Township Board**.
 - 2. Second, third, fourth and fifth members **shall** be selected and appointed by the **Township Board** from among the electors residing in the unincorporated areas of the **Township**.
 - 3. One regular member may be a member of **Township Board**, but **shall** not serve as chair of the **Appeals Board**.
 - 4. The **Township Board** may appoint not more than two standing alternate(s) to serve in the place of a regular members who is absent, unable to attend one or more meetings, has a conflict of interest, and because the regular member has already voted on the issue when it was before **Commission**.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

B. Appointments to the **Appeals Board shall** be for three year terms, and staggered so that, as much as is possible, an equal number of members' terms end each year and those vacancy(ies) are filled each year.

C. The **Township Board shall** provide for the removal of a member of the **Commission** for misfeasance, malfeasance in office upon written charges and after public hearing.

D. A member of the **Appeals Board shall** disqualify himself from a vote, discussion, and deliberation on a case when the member has a conflict of interest. Failure of a member to disqualify himself when a conflict of interest exists constitutes malfeasance in office.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

ARTICLE 98: AMENDMENT VALIDITY PENALTIES

9801. Initiating Amendments and Fees

The **Township Board** may from time to time, on recommendation from the **Commission**, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the **Township Board**, the **Commission**, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the **Township Board**, or the **Commission**, the petitioner or petitioners requesting an amendment **shall** at the time of application pay a fee pursuant to 8204, 8204.A of this Ordinance.

9802. Amendment Procedure

- A. The procedure for making amendments to the Ordinance **shall** be in the manner provided by law, with all amendment proposals being referred to the **Commission** for statutorily required notices, hearing, review by **Commission**, transmission of the proposed amendments and summary of comments made at the public hearing to the County Board for their action with or without an additional public hearing, with fifteen (15) days notice given in a newspaper. If the Board holds an additional hearing, the **Commission** members **shall** be required to attend. Within fifteen (15) days of adoption, a notice to that effect **shall** be published in a newspaper and a copy of the amendment filed with the Clerk.
- B. The **Commission shall** consider each proposal for amendment in terms of its own judgement on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The **Commission** may recommend any additions or modification to the original amendment proposal.
- C. Pre-proposal Conference and Neighborhood Meetings:
 1. The applicant, at his option, may request a meeting with the **Administrator** and not more than two members of the **Commission** before submitting an amendment proposal. The purpose of the meeting is to discuss amendment processing procedures, explanation of this zoning ordinance, what has been required of similar proposals in the past, and to assist the applicant and **Township** with understanding of general concepts and design parameters prior to investment in preparation of the amendment proposal. **Township** officials at this meeting **shall** not indicate or otherwise commit the **Township** to any particular action regarding the proposal.
 2. The applicant, at his option, may sponsor a neighborhood meeting for those who live near and within land subject to the amendment proposal. The purpose of the neighborhood meeting is for the applicant to learn residents concerns and to be able to design the amendment proposal to mitigate those concerns prior to submitting the same to the **Township**. If a neighborhood meeting is held, minutes of the meeting **shall** be prepared by the applicant and a copy provided to the **Commission** with the application.
- D. When a request for amendment is initiated and has been initially reviewed by the **Commission** the **Administrator shall** cause notification of the request and public hearing.
 1. The notices **shall** be given not less than 15 days before the date of the hearing on a proposed zoning amendment and notices **shall** be sent to:
 - a. The applicant.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

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- b. The owner (or other owners) of the property, if different.
 - c. If the zoning amendment is for less than 11 adjacent properties:
 - (1) the owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the zoning jurisdiction or not.
 - (2) occupants of any **structures** within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction or not.
 - d. The general public by publication in a newspaper which circulates in the **Township**.
 - e. Members of the **Commission**, or legislative body and **Commission** if the hearing is being held by the **Township Board**.
 - f. Other governments (city, **Township**, village, county, Indian tribal government) which is located within one mile of the proposed special **use**;
 - g. Other governments and county road commission and county planning commission for where the proposed special **use** is located within;
 - h. Utility providers;
 - i. **DEGLE** if the proposed special **use** in is on property with surface water, **wetlands**, sand dunes, etc.
2. Failure of the **Administrator** to notify those **persons** and entities listed in **Section** 9802.D.1 of this Ordinance **shall** not be grounds to challenge the validity of the proposed amendment, provided notice has been given in accordance with the **Zoning Act**.
 3. The notice **shall** include:
 - a. The nature of the zoning amendment being requested.
 - b. The property(ies) for which the zoning amendment has been made.
 - c. If the zoning amendment is for less than 11 adjacent properties, also a listing of all existing street addresses within the property(ies) which is(are) subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
 - d. The location where the application documents can be viewed and copied prior to the date the zoning amendment hearing.
 - e. The date, time and location of when the hearing on the zoning amendment will take place.
 - f. The address at which written comments should be directed prior to the hearing on the zoning amendment.
 - g. For members of the **Commission** only, a copy of the request for the zoning amendment, the draft of the zoning amendment, and supporting documents in the record.
 4. The **Commission shall** maintain a file of each affidavit of mailing for each mailing made under this **Section**.
 5. A township, village, city, county, utility, and road agency which receives notice pursuant to this **Section** may chooses to submit material to the **Commission**. Such submissions **shall** be delivered to the Chair of the **Commission** at or before the hearing on the issue. Such submissions **shall** be considered advice to the **Commission**. The **Commission** may give extra deference to those comments as long as it does not abdicate the **Commission's** authority. The applicant may wish to present the application to the township, village, city, county, utility, and road agency which

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

receives notice pursuant to this **Section** prior to the hearing, or prior to submitting the application to the **Commission**.

- E. Hearing and Decision
 - 1. The **Commission shall** hold a public hearing to receive input on the proposed Zoning Amendment.
 - 2. Following the hearing, the **Commission shall** consider each proposal for amendment in terms of its own judgement on particular factors related to the individual proposal and in terms of the most likely effect on the community’s physical development. The **Commission** may recommend any additions or modification to the original amendment proposal. The **Commission shall** review the proposed amendment:
 - a. For compliance with formal adopted plans adopted pursuant to Michigan Planning Enabling Act (being P.A. 33 of 2008, as amended, M.C.L. 125.3801 *et seq.*) upon which this zoning ordinance is based including criteria for considering zoning amendments in the zoning plan part of the adopted plan:
 - (1) If it is found to comply with formal adopted plan and receives favorable **Commission** judgement, then it **shall** recommend to the township board for adoption.
 - (2) If it is found to comply with formal adopted plan and receives unfavorable **Commission** judgement, then it **shall** recommend to the **township board** not to be adopted.
 - (3) If it is found not to comply with formal adopted plan, then further steps to adopt the amendment **shall** cease until the formal adopted **township** plans adopted pursuant to Michigan Planning Enabling Act (being P.A. 33 of 2008, as amended, M.C.L. 125.3801 *et seq.*), upon which this zoning ordinance is based, is first or simultaneously amended so that the **Commission** can find the proposed zoning complies with the plan.
 - b. Whether all of the **uses** allowed under the proposed rezoning would be compatible with other zones and **uses** in the surrounding area;
 - c. Whether any public services and facilities would be significantly adversely impacted by a development or **use** allowed under the requested rezoning; and
 - d. Whether the **uses** allowed under the proposed rezoning would be equally or better suited to the area than **uses** allowed under the current zoning of the land.
- F. Conditional zoning proposal:
 - 1. Intent: It is recognized that there are certain instances where it would be in the best interests of the **Township**, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this **Section** to provide a process consistent with the provisions of **section** 405 of the **Zoning Act** by which an owner seeking a rezoning may voluntarily propose conditions regarding the **use** and/or development of land as part of the rezoning request.
 - 2. An owner of land may voluntarily offer in writing conditions relating to the **use** and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
 - 3. The required application and process for considering a rezoning request with conditions **shall** be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Subsection. All other provisions of this **Section shall** apply and criteria which includes but is not limited to compliance with the process outlined in this

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93; **Administration:** Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

Section, notices, hearing, comments at hearing(s), and a finding of compliance with the plan. In addition a proposed zoning agreement, or conditional zoning amendment proposal:

- a. Hearing notices **shall** clearly indicate the proposed zoning amendment is a conditional zoning amendment which is specific to property which is indicated in the notice. The notice **shall** also indicate the condition, or zoning amendment request may be rejected, approved, or changed before approved.
- b. The owner's offer of conditions may not purport to authorize **uses** or developments not permitted in the requested new zoning district.
- c. The owner's offer of conditions **shall** bear a reasonable and rational relationship to the property for which rezoning is requested.
- d. Any **use** or development proposed as part of an offer of conditions that would require a special land **use** permit under the terms of this Ordinance may only be commenced if a special land **use** permit for such **use** or development is ultimately granted in accordance with the provisions of this Ordinance.
- e. Any **use** or development proposed as part of an offer of conditions that would require a **variance** under the terms of this Ordinance may only be commenced if a **variance** for such **use** or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- f. Any **use** or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such **use** or development is ultimately granted in accordance with the provisions of this Ordinance.
- g. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the **Township Board** provided that, if such withdrawal occurs subsequent to the **Commission's** public hearing on the original rezoning request, then the rezoning application **shall** be referred to the **Commission** for a new public hearing with appropriate notice and a new recommendation.
- h. A conditional zoning proposal **shall** not be accepted for consideration if the proposed Statement of Conditions contains provisions which are less restrictive, than those found in the proposed zoning district. Such requests **shall** be pursued as a **variance**.
- i. The Statement of Conditions: The offered conditions **shall** be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this **Section**. The Statement of Conditions **shall** be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the **Township Board** to accomplish the requested rezoning.
 - (1) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the **Township Board**.
 - (2) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the **Township** with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
 - (3) Contain a legal description of the land to which it pertains.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- (4) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- (5) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference **shall** specify where the document may be examined.
- (6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions and the agreement is lawful, is enforceable, the applicant is **shall** not take a contrary position, and the parties are entitled to injunctive relief.
- (7) A reciting of the process for approval and adoption of the Statement of Conditions.
- (8) Duration of the Statement of Conditions.
- (9) The conditions and timing of the development. However such conditions **shall**:
 - (a) Be tangible offerings along the nature of site design, restriction on type of **use** (but not intangible items such as hours of operation, and other operation practices).
 - (b) **shall** not include provisions which contract away the board’s police powers, or otherwise prohibit a future zoning amendment for the property.
 - (c) **shall** not include provisions for off-site improvements.
 - (d) Where necessary an agreement on rough proportionality for sharing costs for applicable conditions.
- (10) A reversion clause.
- (11) Enforcement provisions.
- j. If the terms of the Statement of Conditions, in an approved conditional rezoning, are violated and enforcement efforts have not been successful, then the **Commission shall** initiate, and the Board **shall** adopt a zoning amendment to revert the zoning back to what it was prior to adoption of the conditional zoning. In doing so, the same process for amending the zoning ordinance in this **Section shall** be followed, except for the requirement of a finding of compliance with the plan.
- k. Upon approval of a conditional zoning amendment, the Statement of Conditions **shall** be recorded in the county register of deeds office. Upon approval of a conditional zoning amendment the boundary of the **parcel(s)** subject to the conditional rezoning **shall** be shown on the zoning map with a symbol (such as but not limited to an asterisk) to indicate a Statement of Conditions exists for the **parcel(s)**.
4. Review of Conditional Rezoning:
 - a. **Commission** review of conditional zoning amendment. The **Commission**, after public hearing and consideration of the factors for rezoning set forth elsewhere in this **Section**, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.
 - b. **Township Board** review of conditional zoning amendment. After receipt of the **Commission's** recommendation, the **Township Board shall** deliberate upon the

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

- requested rezoning and may approve or deny the conditional rezoning request. The **Township Board's** deliberations **shall** include, but not be limited to, a consideration of the factors for rezoning set forth elsewhere in this **Section**.
5. Compliance with Conditions.
 - a. Any **person** who establishes a development or commences a **use** upon land that has been rezoned with conditions **shall** continuously operate and maintain the development or **use** in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions **shall** constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation **shall** be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - b. No permit or approval **shall** be granted under this Ordinance for any **use** or development that is contrary to an applicable Statement of Conditions.
 6. Time Period for Establishing Development or **Use**. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or **use** of the land pursuant to **building** and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the **Township Board** if (1) it is demonstrated to the **Township Board's** reasonable satisfaction that there is a strong likelihood that the development and/or **use** will commence within the period of extension and proceed diligently thereafter to completion and (2) the **Township Board** finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and **uses** in the surrounding area or otherwise inconsistent with sound zoning policy.
 7. Reversion of Zoning.
 - a. If approved development and/or **use** of the rezoned land does not occur within the time frame specified under Subsection 9802.F.6 above, then the land **shall** revert to its former zoning classification as set forth of **section** 405 of the **Zoning Act**. The reversion process **shall** be initiated by the **Township Board** requesting that the **Commission** proceed with consideration of rezoning of the land to its former zoning classification or by the **Commission**. The procedure for considering and making this reversionary rezoning **shall** thereafter be the same as applies to all other rezoning requests.
 - b. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to this Subsection or otherwise, the Statement of Conditions imposed under the former zoning classification **shall** cease to be in effect. Upon the owner's written request, the **Township** Clerk **shall** record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
 8. Amendment of Conditions.
 - a. During the time period for commencement of an approved development or **use** specified pursuant to Subsection 9802.F.6 above or during any extension thereof granted by the **Township Board**, the **Township shall** not add to or alter the conditions in the Statement of Conditions.
 - b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

9. **Township Right to Rezone:** Nothing in the Statement of Conditions nor in the provisions of this **Section shall** be deemed to prohibit the **Township** from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning **shall** be conducted in compliance with this Ordinance and the **Zoning Act**.
 10. **Failure to Offer Conditions.** The **Township shall** not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions **shall** not affect an owner's rights under this Ordinance.
- G. After the public hearing and the finding in **Section 9802.E.2.a.(1)** or **9802.E.2.a.(2)** has been made, the **Commission shall** submit:
1. a summary of the comments received at the public hearing,
 2. the proposed amendment, and
 3. any zoning maps,
- to the **Township Board**. After receiving the recommended zoning amendment, the **Township Board**, at a regular meeting or at a special meeting called for the purpose, **shall** consider the recommendations and vote upon the adoption of the proposed amendment. Any amendments **shall** be approved only by a roll call vote of the majority of the members of the Board. The Board **shall** not make a change or departure from the proposed text amendment and zoning map amendment, as recommended by the **Commission**, unless the proposed change or departure is first submitted back to the **Commission**. Should the **Township Board** consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments (and in the case of conditional rezoning, are acceptable to and thereafter offered by the owner) then the **Township Board shall**, in accordance with section 401 of the **Zoning Act**, refer such amendments to the **Commission** for a report thereon. The **Commission shall** have thirty (30) days from and after receipt of the proposed change or departure to send its second report to the Board. If the proposed change or departure is found by the **Commission** not to comply with formal adopted plan, then further steps to adopt the amendment **shall** cease, regardless if the thirty (30) days has passed or not, until the formal adopted plan(s) adopted pursuant to the **Zoning Act**, upon which this zoning ordinance is based, is first or simultaneously amended so that the **Commission** can find the proposed zoning complies with the plan. Upon receiving the second report the Board may adopt, adopt with modification, or not adopt the proposed amendment.
- H. Upon the rezoning taking effect, the Zoning Map **shall** be amended to reflect the new zoning classification. In the case of conditional rezoning:
1. The map **shall** also show a designation, an asterisk and sequential number (e.g., "*7") within the **parcel** boundary, that the land was rezoned with a Statement of Conditions. The **Township Clerk shall** maintain a listing of all lands rezoned with a Statement of Conditions.
 2. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof **shall** be filed by the **Township** with the Register of Deeds of the County in which the land is located. The **Township Board shall** have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the **Township** or to any subsequent owner of the land.
 3. Upon the rezoning taking effect, the **use** of the land so rezoned **shall** conform thereafter to all of the requirements regulating **use** and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
 River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
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9803. Conformance to Court Decree

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction **shall** be adopted by the **Township Board** and the amendments published without referring the same to any other Board or agency.

9804. Violations and Penalties: Nuisance Per Se: Abatement

- A. Nuisance *Per Se*: Any **building** or **structure** which is erected, constructed, reconstructed, **altered**, converted, maintained, or used or any **use** of land or premises which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance *per se* .:
- B. Authorized Local Official: The **Administrator** is hereby designated as the authorized local official to issue municipal civil infraction citations.:
- C. Violations; Municipal Civil Infractions: Any **person**, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated, voluntary association, who violates any provision of this Ordinance **shall** be responsible for a municipal civil infraction. Violation of this Ordinance and its penalties **shall** be judicially enforced through the (Lake County) _th Judicial District Court. Enforcement for violations of this Ordinance **shall** be as follows:
 - 1. Unless immediate action is necessary upon the determination by the **Administrator** that there is a danger to the public health, safety, or welfare, the **person** violating this Ordinance **shall** be served personally or through first class mail with a notice of violation requiring that the violation be corrected within thirty (30) days of the notice.
 - 2. Upon failure to correct the violation or in cases when immediate action is necessary, a **person** violating this Ordinance **shall** be issued a citation requiring his appearance in the (Lake County) _th Judicial District Court.
 - 3. A **person** who violates this Ordinance **shall** be fined not less than \$150.00 nor more than \$500.00 plus costs.
 - 4. A **person** who violates this Ordinance and has been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction proceeding within one (1) year immediately preceding the issuance of the second citation, **shall** be fined not less than \$300.00 nor more than \$500.00 plus costs.:
 - 5. A **person** who violates this Ordinance and has been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, **shall** be fined \$500.00 plus costs.
- D. Violations; Municipal Civil Action: The **Township Board**, the **Administrator**, the Board of Appeals, the Attorney for the **Township**, or any owner or owners of real estate within the Zoning District in which such **building**, **structure** or land is situated, may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any **building** or **structure** or **use**, which has been erected, constructed, reconstructed, **altered**, converted, maintained or used in violation of this Ordinance.
- E. Cumulative Remedies: The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a municipal civil infraction proceeding **shall** not bar a civil action seeking equitable relief beyond the jurisdiction of the (Lake County) _th Judicial District Court under **Section** 9804.D hereof, arising from the same violation.

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58; **Districts** 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88; River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113; Appeals Board 121; Amendments & penalties, etc. 126.

9805. Caption

The captions used in this Ordinance **shall** not be deemed to be a part of this Ordinance and **shall** not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

9806. Repeal of Ordinance

The Sauble **Township** Zoning Ordinance adopted on January 8, 2001, and effective February 7, 2001, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

9807. Pending Zoning Applications

All applications for permits, appeals and **variance** requests pending before the **Administrator**, the **Commission**, or the **Appeals Board** on the effective date of this Ordinance **shall** be acted upon only in conformance with this provisions of this Ordinance.

[Annotation: This ordinance is effective December 2, 2022 at 12:01am.]

9808. Validity and Severability Clause

If any court of competent jurisdiction **shall** declare any part of this Ordinance to be invalid, such ruling **shall** not effect any other provisions of this Ordinance not specifically included in said ruling. If any court of competent jurisdiction **shall** declare invalid the application of any provision of this Ordinance to a particular land, **parcel**, district, **use**, **building** or **structure**, such ruling **shall** not effect the application of said provision to any other land, **parcel**, district, **use**, **building**, or **structure** not specifically included in said ruling.

9809. Period of Effectiveness

This Ordinance **shall** remain in full force and effect henceforth unless repealed.

Signed:

Supervisor

November 14, 2022 (date of meeting when adopted)
Date signed: _____

Clerk,

November 14, 2022 (date of meeting when adopted)
Date signed : _____

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan113;
Appeals Board 121; Amendments & penalties, etc. 126.

ADOPTION AND AMENDMENT HISTORY

ADOPTION HISTORY:

Adoption of the Zoning Ordinance

(sent to atty DATE June 2022)

Notices of Hearing published: DATE August 11, 2022 in *Lake County Star*.

Public Hearing held: DATE September 6, 2022.

Recommended for county review by Sauble Township Planning Commission: DATE September 21, 2022

Review by the Lake County Planning Commission: DATE October 17, 2022

Recommended by Sauble Township Planning Commission. DATE September 21, 2022

Adopted by the Sauble Township Board: DATE November 14, 2022

Effective Date: December 2, 2022 at 12:01am (Published, in the *Lake County Star*, November 24, 2022)

Copy on file with township clerk: November 30, 2022

Copy on file with county clerk: about November 30, 2022

Copy provided to county planning commission: November 30, 2022

AMENDMENT HISTORY:

Topic: Amendment _____

(sent to atty: _____)

Notices of Hearing published: _____.

Public Hearing held: _____

Recommended for county review by Sauble Township Planning Commission: _____

Review by the Lake County Planning Commission: _____

Recommended by Sauble Township Planning Commission. _____

Adopted by the Sauble Township Board: _____

Effective Date: _____ (Published, in the *Lake County Star*, DATE _____)

Copy on file with township clerk:

Copy on file with county clerk:

Copy provided to county planning commission:

Topic: Amendment _____

(sent to atty: _____)

Notices of Hearing published: _____.

Public Hearing held: _____

Recommended for county review by Sauble Township Planning Commission: _____

Review by the Lake County Planning Commission: _____

Recommended by Sauble Township Planning Commission. _____

Adopted by the Sauble Township Board: _____

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
River Overlay 91; Scenic Trial Overlay 93;
Administration: Nonconformities 94; Administrator 98; Permits 101; Special Uses 104; Planned Unit Development 109; Site Plan 113;
Appeals Board 121; Amendments & penalties, etc. 126.

Effective Date: _____ (Published, in the *Lake County Star*, DATE _____)

Copy on file with township clerk:

Copy on file with county clerk:

Copy provided to county planning commission:

Topic: Amendment _____

(sent to atty: _____)

Notices of Hearing published: _____,

Public Hearing held: _____

Recommended for county review by Sauble Township Planning Commission: _____

Review by the Lake County Planning Commission: _____

Recommended by Sauble Township Planning Commission. _____

Adopted by the Sauble Township Board: _____

Effective Date: _____ (Published, in the *Lake County Star*, DATE _____)

Copy on file with township clerk:

Copy on file with county clerk:

Copy provided to county planning commission:

[December 5, 2022; C:\Users\Kurt\Documents\wp\BUSINESS\SaubleTwp\SaubleTwpZONING vMaster.wpd]

Applies everywhere: Purpose etc. 1; Definitions 4; General Regulations 21; Development Standards 51; Special Use Standards 58;
Districts 69; Wetland Conservation 77; Forest Production 79; Rural Residential 81; Residential-1 84; Residential-2 86; Commercial 88;
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